

LARRY E. WINTER
UNITED STATES vs STATE OF GEORGIA

November 30, 2022

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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
United States of America, No.
Plaintiff, 1:16-CV-03088-ELR
vs.
State of Georgia,
Defendant.
~~~~~

VIDEOTAPED ZOOM DEPOSITION OF

LARRY E. WINTER

November 30, 2022

9:01 a.m.

Dalton, Georgia

Marcella Daughtry, RPR, RMR

Georgia License No. 6595-1471-3597-5424

California CSR No. 14315

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Also Present:

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Stacey Suber-Drake

\*\*\* ALL PARTICIPANTS APPEARED REMOTELY \*\*\*

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1 THE VIDEOGRAPHER: Good morning. We are now  
2 on the record. The time is now 9:01 a.m. on Wednesday,  
3 November 30th, 2022. This begins the videotaped  
4 deposition of Larry Winter taken in the matter of the  
5 United States of America v. State of Georgia, filed in  
6 the United States District Court for the Northern  
7 District of Georgia, case number of which is  
8 1:16-CV-03088-ELR.

9 The videographer today is Austin King. The  
10 court reporter is Marcie Daughtry. We are both  
11 representing Esquire Deposition Solutions.

12 Counsel, will you please announce your name and  
13 whom you represent, after which the court reporter will  
14 swear in the witness.

15 MS. HAMILTON: Andrea Hamilton for the United  
16 States.

17 MR. BELINFANTE: Josh Belinfante for the State  
18 of Georgia.

19  
20 LARRY E. WINTER,  
21 called as a witness herein, having been first duly sworn  
22 by the shorthand reporter to speak the truth and nothing  
23 but the truth, was examined and testified as follows:

24 >>>

25 >>>

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EXAMINATION

BY MS. HAMILTON:

Q Good morning, Mr. Winter. How are you doing today?

A Very good. Good to meet you.

Q Thanks. Same here.

My name again is Andrea Hamilton, and I represent the United States. I will be taking your deposition today.

Would you please state your full name for the record.

A Larry Eugene Winter.

Q I will be asking you a series of questions today, and you are under oath to provide complete and honest answers to those questions. Do you understand?

A Yes, ma'am.

Q If you do not understand a question that I ask, you should feel free to let me know, and I will try to repeat or rephrase the question. Okay?

A Yes, ma'am.

Q If you are not sure of an answer or you don't have a complete answer, you must still answer the question to the extent that you can. Do you understand?

A Yes, ma'am.

Q If you need a break at any point, please tell



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1 me or your attorney. We will let you finish your answer,  
2 if you are in the midst of answering your question, and  
3 then we will discuss when or if to take a break. Okay?

4 A Yes, ma'am.

5 Q And then, also, just as a matter of protocol,  
6 we probably will take breaks probably around every hour  
7 and a half or so, and we will take a midday break for  
8 lunch, and we can discuss that when those times arise.  
9 If you need to take a break sooner, don't hesitate to let  
10 us know.

11 A Thank you.

12 Q We are taking your deposition virtually via  
13 Zoom today. As you can see, the court reporter is  
14 recording all that is said here. Because she can only  
15 record our words, please be sure to speak clearly and  
16 answer each question with a verbal response as you are  
17 doing.

18 Do you understand?

19 A Yes, ma'am.

20 Q Also, I want us to avoid talking over each  
21 other. I will try to not interrupt you when you are  
22 answering, and I ask that you try to do your best to let  
23 me finish my questions before you start to answer.

24 Do you understand?

25 A Yes, ma'am.

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1 Q Is there any reason that you can think of that  
2 you will not be able to answer my questions fully and  
3 truthfully?

4 A None that I know of at this time.

5 Q If that changes, will you please let me know?

6 A Yes, ma'am.

7 Q And then I want to note on the record that  
8 United States and the State of Georgia have agreed to  
9 have a standing agreement that all objections except as  
10 to form and privilege will be reserved until trial.

11 Mr. Winter, as I noted earlier, the exhibits  
12 for today's deposition will be shared electronically. I  
13 am going to begin by showing you our first document, and  
14 I would like for the court reporter to mark this first  
15 document that I am about to share as Plaintiff's Exhibit  
16 602.

17 (Plaintiff's Exhibit 602 was marked for  
18 identification.)

19 Q BY MS. HAMILTON: Please let me know when  
20 you're -- when you see the document on the screen,  
21 Mr. Winter.

22 A I can see the subpoena.

23 Q Okay, great. I am going to give you control of  
24 the document and just give you a moment to review it.  
25 And if you just want to scroll through very quickly, let

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1 me know when you are finished, and then we will continue.

2 A Why don't you start asking questions, and I can  
3 move the cursor as needed.

4 Q This is a subpoena to testify at a deposition  
5 in a civil action, and the subpoena is directed to Larry  
6 Winter; is that correct?

7 A Yes. Although, my address is incorrect.

8 Q Okay. What is the correct address?

9 A 206 West Crawford -- C-r-a-w-f-o-r-d -- Street,  
10 Dalton, 30720.

11 Q Thank you for correcting that.

12 A And by agreement, this is taking place via Zoom  
13 as opposed to at the Robbins Firm.

14 Q Yes, that is correct.

15 Have you seen this document before today?

16 A Yes.

17 Q Who showed this document to you?

18 A It was provided by Ms. Johnson.

19 Q And who is Ms. Johnson?

20 A She's an attorney that works with Josh  
21 Belinfante.

22 Q And are you represent -- and what law firm is  
23 she with?

24 A I don't know.

25 Q Okay. Does the Robbins Firm sound familiar?

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1 A Probably. Yes, it is.

2 Q Okay. And are they representing you here today  
3 for the purposes of this deposition?

4 A They say they are. Although, their primary  
5 client, I assume, is the State of Georgia.

6 Q Okay. Okay. So I just want to make sure that  
7 we're clear on the record. Is it your understanding that  
8 today you are represented by the Robbins Firm?

9 A Yes.

10 Q Okay. And are you here today on account of  
11 this document?

12 A Well, I agreed to appear via phone more than a  
13 week before I saw the document, so I would say the answer  
14 is both and.

15 Q Okay. All right. Do you see at the top of the  
16 document -- give me a chance to scroll there -- that the  
17 case name is United States versus Georgia? Do you see  
18 that?

19 A Yes, ma'am.

20 Q Do you understand that this deposition is being  
21 taken in connection with litigation against the State of  
22 Georgia relating to the Georgia Network for Educational  
23 and Therapeutic Support program?

24 A Yes, ma'am.

25 Q Are you aware that this program is commonly

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1 referred to as the "GNETS program"?

2 A Yes, ma'am.

3 Q So if I use the term "GNETS," will you  
4 understand that I am referring to the Georgia Network for  
5 Educational and Therapeutic Support program?

6 A Yes, ma'am.

7 Q When did you first learn about the GNETS  
8 litigation?

9 MR. BELINFANTE: Object to the form.

10 You can answer, Mr. Winter.

11 THE WITNESS: I am sure that I learned of it in  
12 passing back in 2006 but wasn't reminded of it until  
13 within the last week.

14 Q BY MS. HAMILTON: How did you learn about it in  
15 2006?

16 A I was a member of the State Board of Education.

17 Q And as a member of the State Board, how was the  
18 litigation brought to your attention?

19 A It would have been brought to us in an  
20 executive session that a suit had been filed.

21 Q What is your understanding of what this case is  
22 about?

23 A As I understand it, the Department of Justice  
24 doesn't like the State of Georgia's local rule control  
25 over the GNETS program.

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1 Q And what is your understanding of the case  
2 based on?

3 A I'm not --

4 MR. BELINFANTE: Object to -- to the extent  
5 that the answer calls for Mr. Winter to testify about  
6 attorney-client communications.

7 And I would instruct you, Mr. Winter, not to  
8 reveal any communications you have had in your role as a  
9 board member with any person from the Georgia Department  
10 of Law, including outside SAG counsel, which would be  
11 folks from our firm, including Ms. Ross as well.

12 Q BY MS. HAMILTON: And that's totally fine. I'm  
13 just trying to get a general sense of --

14 MR. BELINFANTE: Understood.

15 Q BY MS. HAMILTON: -- to your knowledge, of how  
16 did you learn about it. Like you mentioned that the --  
17 you learned about it likely through executive session,  
18 and so just to the extent that you shared what you knew  
19 about it, I was trying to get a better sense of how you  
20 came to that conclusion.

21 A Well, that would have been brought to me by the  
22 attorneys, so based on the information provided by  
23 Mr. Belinfante, I have been instructed not to answer  
24 that, and I have not had conversations with any others.

25 Q Did you review any documents in connection to

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1 the GNETS litigation at the time?

2 A No.

3 Q And at the time, did you review the GNETS  
4 complaint that was filed in court?

5 A No.

6 Q Did you review the letter of findings that was  
7 issued to the State of Georgia about the GNETS matter?

8 A Not that I recall.

9 Q I am going to ask you a few questions about  
10 your preparation for the deposition. Please note that I  
11 am not asking you to reveal the substance of any  
12 communications that you had with counsel, just the  
13 general sense of how you prepared.

14 What did you do to prepare for today's  
15 deposition?

16 A I woke up early, had a great breakfast, and am  
17 sitting here enjoying our time together this morning.  
18 Beyond that, I had an extremely brief phone call with  
19 Ms. Johnson two days ago.

20 Q And was anyone -- anyone else besides  
21 Ms. Johnson present during that meeting?

22 A No.

23 Q Have you spoken to anyone else about the  
24 deposition?

25 A Yes. I mentioned in passing that I was being

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1     deposed, but nothing other than that statement.

2           Q     And when you say "mentioned in passing," who  
3     did you mention it in passing to?

4           A     My partner, my secretary, my wife, and current  
5     board member Mike Royal.

6           Q     Did you review any documents in preparation for  
7     today's deposition?

8           A     Yes, a document provided by Ms. Johnson.  
9     That's all.

10          Q     Okay. And what documents did you review?

11          A     I'll let Mr. Belinfante answer that.

12               MR. BELINFANTE: Yeah, I would -- I would  
13     actually object to that on the grounds that it invades  
14     attorney work product.

15          Q     BY MS. HAMILTON: Are there any documents that  
16     you independently reviewed, Mr. Winter, apart from what  
17     was provided you by counsel?

18          A     Other than the subpoena, no.

19          Q     Did you bring any documents with you today to  
20     reference during the deposition?

21          A     No.

22          Q     Have you had -- ever had your deposition taken  
23     before?

24          A     Yes.

25          Q     How many times?



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1 A More than 75, less than 100.

2 Q At a very high level, we don't need to  
3 obviously talk about all of them, but what was the  
4 general context of the depositions -- the times you've  
5 been deposed?

6 A I am a certified public accountant, a certified  
7 fraud examiner, and a certified valuation -- pardon me --  
8 analyst. And I am involved in commercial and sometimes  
9 criminal litigation.

10 Q Have you ever been deposed in connection to  
11 your work with the State Board of Education?

12 A No. This is the first.

13 Q I may be using some acronyms today for brevity,  
14 and I want to run through a few of those now to ensure  
15 that we are on the same page. If I refer to "Georgia  
16 DOE," will you understand that I am referring to the  
17 Georgia Department of Education?

18 A Yes, ma'am.

19 Q If I refer to the "State Board" or the "SBOE,"  
20 will you understand that I am referring to the State  
21 Board of Education?

22 A Yes, ma'am.

23 Q If I use the acronym "DBHDD," will you  
24 understand that I am referring to the Georgia Department  
25 of Behavioral Health and Developmental Disabilities?

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1 A Yeah, but only because you just defined it.

2 Q Okay.

3 A So I would -- would request that you use the  
4 long name for me.

5 Q Okay. That is totally fine.

6 Likewise, for the Georgia Department of  
7 Community Health, are you familiar with the acronym  
8 "DCH"?

9 A Yes, ma'am.

10 Q Okay. So I may alternate between the two of  
11 those.

12 If I use the acronym "LEA," will you understand  
13 that I am referring to local education agency?

14 A Yes, ma'am.

15 Q If I use the acronym "RESA," will you  
16 understand that I am referring to Regional Educational  
17 Service Agency?

18 A Yes, ma'am.

19 Q If I am discussing the term "GNETS centers,"  
20 will you understand that when I say "centers," that I'm  
21 referring to the stand-alone GNETS locations?

22 A Yes, ma'am.

23 Q And then, likewise, if I refer to "GNETS  
24 school-based locations," will you understand that I am  
25 referring to the GNETS locations that are based in local

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1 general education school settings?

2 A Yes, ma'am.

3 Q And then maybe the last one for now, if I use  
4 the acronym "EBD," will you understand that I am  
5 referring to emotional and behavioral disabilities?

6 A Yes, ma'am.

7 Q Okay. You mentioned that you previously served  
8 on the Georgia State Board of Education; is that correct?

9 A Yes, ma'am.

10 Q Okay. How long did you serve on the State  
11 Board?

12 A 14 years.

13 Q And what was -- what were the span of years  
14 that you served?

15 A From 2005 to December of 2019. I understand  
16 that my term actually went into the first week of 2020,  
17 but I did nothing during that one week.

18 Q Okay. When you served on the State Board, what  
19 positions did you hold?

20 A I was either chairman or vice chairman of the  
21 budget committee and chaired the audit committee.

22 Q And what was the time span that you served as  
23 chairman or vice chairman of the budget committee?

24 A To me, they were intermingled, so from 2005 to  
25 2019.

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1 Q Okay. So that entire period you were either  
2 chair or vice chair?

3 A Yes, ma'am.

4 Q And then, likewise, what was the time span that  
5 you served as chair of the audit committee?

6 A The same.

7 Q Did you hold any other positions on the State  
8 Board?

9 A Other than member, not that I recall.

10 Q And did you ever hold the position of chair of  
11 the entire board?

12 A No, ma'am.

13 Q What district did you represent when you served  
14 as a member of the board, State Board?

15 A It depends. Initially the 9th congressional  
16 district. After reorganization, the 14th.

17 Q What area of the state is served by the 9th --  
18 well, I should reframe that.

19 What area of the state was served by the 9th  
20 district, and how did that differ from the area that was  
21 served by the 14th?

22 A I would describe the 9th as a path across the  
23 top of the state and the 14th being the northwest corner.

24 Q And when during that time span that you were on  
25 the board did -- was there a reorganization?

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1           A    It was a result of every ten years that we have  
2   to reallocate congressional districts.

3           Q    Do you know approximately what year that  
4   happened?

5           A    It would have been based on the '10 census, so  
6   probably '11 or '12.

7           Q    Approximately 2011, 2012?

8           A    Yes, ma'am.

9           Q    Thank you.

10                  And just to be clear, are the education  
11   districts aligned with the Georgia congressional  
12   districts?

13           A    I do not understand your question.

14           Q    Okay. You had mentioned realignment or  
15   reorganization of the districts, and I am just trying to  
16   confirm, are the districts that you serve as a State  
17   Board member aligned with the congressional districts?

18           A    Yes, ma'am.

19           Q    How many districts are there total in Georgia?

20           A    Today, 14.

21           Q    And when you served on the board, how many  
22   districts were there?

23           A    13.

24           Q    Is there always one member for each district?

25           A    Yes, ma'am.

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1 Q So that -- again, let me make sure my math is  
2 correct. Would that mean that there were approximately  
3 13 or 14 members representing districts on the State  
4 Board?

5 A Yes, ma'am.

6 Q Were there any other members on the State Board  
7 besides the individuals representing districts?

8 A No, ma'am.

9 Q Is the State superintendent considered a member  
10 of the State Board?

11 A I don't believe he is.

12 Q What is the State superintendent's role in  
13 connection with the State Board?

14 MR. BELINFANTE: Object to the form.

15 You can answer.

16 THE WITNESS: My understanding is that, you  
17 know, certainly he is a part of all of our board  
18 meetings, you know, and he's the chief administrative  
19 officer of the Department of Education.

20 Q BY MS. HAMILTON: Also, have you ever had a  
21 teacher of the year serve as a member of the State Board?

22 A Not to my knowledge.

23 Q Do you get paid to serve on the State Board of  
24 Education?

25 A Yes.

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1 Q How much do board members get paid?

2 A We started off, I believe, at \$105, and I  
3 believe we were raised all the way to \$110 per day.

4 Q And are those only days that you are working in  
5 your capacity as a board member, or is that for 365 days  
6 in the year?

7 A Only on days that we were serving and that we  
8 chose to charge.

9 Q How did you become a member of the State Board  
10 of Education?

11 A I answered the phone, and Governor Perdue was  
12 on the other end of it.

13 Q And when did he -- and, I guess, what -- I want  
14 to make sure I'm having the proper terminology here.  
15 Were you appointed by Governor Perdue to serve on the  
16 board?

17 A I was appointed by Governor Perdue and then  
18 confirmed by the Georgia Senate.

19 Q What year were you appointed to the State  
20 Board?

21 A 2005.

22 Q Did the governor indicate why you were  
23 appointed to serve on the State Board?

24 A Yes.

25 Q What was the reason that he gave?

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1           A    He said that everybody on the board had a  
2 background in education, but he needed someone who had a  
3 background in accounting and finance.

4           Q    And I assume you were that person who had the  
5 background in accounting and finance; is that correct?

6           A    In his opinion, and who was I to argue with  
7 him.

8           Q    How long are the appointments to the State  
9 Board?

10          A    If you serve a full term, seven years.

11          Q    Okay. Can you serve multiple terms?

12          A    I served two full terms.

13          Q    Is there a limit on the number of terms that  
14 board members can serve?

15          A    Other than death, not to my knowledge.

16          Q    When you were appointed to serve on the board,  
17 did you have an interest in education issues?

18          A    Please repeat. I was busy coughing.

19          Q    No worries.

20                When you were appointed to serve on the board,  
21 did you have an interest in education issues?

22          A    Yes, as the parent of four children, but I  
23 wouldn't say that -- and, you know, and I was the PTA  
24 president and things like that at a local school, but  
25 beyond that, no.



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1 Q What did you hope to accomplish as a State  
2 Board member when you were appointed?

3 A What I was requested to do was to understand  
4 the finances of the State Board of Education in the state  
5 of Georgia.

6 Q Were there any issues in particular that you  
7 championed when you served on the State Board?

8 A Yeah, budget, audits, and our three state  
9 schools, I fell in love with them during the course of my  
10 term. Those were our two schools for the deaf and our  
11 one school for the blind.

12 Q Did you have any background in issues affecting  
13 students with disabilities when you joined the board, the  
14 State Board?

15 A I am sorry, your question was garbled.

16 Q Okay. Did you have any knowledge of issues  
17 affecting students with disabilities when you joined the  
18 State Board?

19 MR. BELINFANTE: Object to the form.

20 You can answer.

21 THE WITNESS: I would say yes.

22 Q BY MS. HAMILTON: And what was the basis of  
23 that knowledge?

24 A My youngest child when he was in third grade  
25 could not read a word. It's something his mother and I

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1 had worked on with tutors when he was probably four, and  
2 finally in third grade we found a program that worked for  
3 him, and I'm proud to announce that he has his Ph.D. in  
4 analytical chemistry, so we just had to figure out how to  
5 unlock his brain.

6 Additionally, I have another son who is Level 1  
7 Asperger's.

8 Q Okay. I'd like to discuss your professional  
9 and educational background more broadly, and then we will  
10 return to some questions about your time on the board.  
11 Where are you currently employed?

12 A Nichols, Cauley & Associates.

13 Q And what is your current job title?

14 A Partner.

15 Q What are your general job responsibilities at  
16 Nichols, Cauley & Associates?

17 A I am a general service partner which includes  
18 accounting services and tax services, and additionally  
19 involved in litigation support and valuations of  
20 companies.

21 Q How long have you been a partner at Nichols,  
22 Cauley & Associates?

23 A Six years.

24 Q Where were you employed -- well, prior to your  
25 time at Nichols, Cauley & Associates, did you work

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1 anywhere else?

2 A Yes, ma'am.

3 Q Where were you employed before you began  
4 working there?

5 A From 1990 until the merger with Nichols Cauley,  
6 with initially Winter & Harris. They became Winter,  
7 Harris & Scoggins, which became Winter & Scoggins.

8 Q What was your job title?

9 A Managing partner. And that goes back to 1990.

10 Q Okay. And was that also an accounting firm?

11 A Yes, ma'am.

12 Q Prior to your work at that accounting firm as a  
13 managing partner, do you hold any other positions?

14 A Yes, ma'am. From 1974 to 1990 I was the chief  
15 financial officer of Hawthorne Industries.

16 Q And are there any other relevant job positions  
17 that you held prior to that time period?

18 A From 1970 -- from 1971 to 1974 I worked with  
19 Deloitte & Touche, which is also a certified public  
20 accounting firm.

21 Q Where did you obtain your undergraduate degree?

22 A I got an associate of arts from Palm Beach  
23 College, a bachelor's of science in business  
24 administration from the University of Florida.

25 Q What years did you receive those degrees?

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1           A    '69, Palm Beach; '71, Florida; and '77 I had a  
2 graduate course at the Wharton School of Business of the  
3 University of Pennsylvania. I did not write a thesis, so  
4 I did not receive a master's degree.

5           Q    So do you have any professional or graduate  
6 degrees?

7           A    Just the ones I have mentioned as degrees.

8           Q    Okay. And I believe earlier you did list a  
9 number of professional licenses or certificates. Am I  
10 correct that you said that you were a certified public  
11 accountant?

12          A    Yes, licensed by the State of Florida and  
13 Georgia.

14          Q    Okay. And then I believe you also said that  
15 you were a CVA. Can you remind me what that is, please?

16          A    Certified valuation analyst.

17          Q    Okay. And where are you licensed?

18          A    By that organization.

19          Q    Okay. And then I believe you also said that  
20 you were a certified -- was it certified fraud examiner?

21          A    Yes, ma'am.

22          Q    Okay. And where are you licensed?

23          A    By that organization.

24          Q    Do you have any other professional licenses or  
25 certificates?

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1 A Yes. I am also a personal financial planning  
2 specialist.

3 Q And do you have to be licensed by a particular  
4 organization or a state for that role?

5 A That is a designation of the American Institute  
6 of CPAs.

7 Q How did your professional background as a CPA,  
8 and more broadly as an accountant, inform your roles on  
9 the State Board of Education?

10 A I understand numbers.

11 Q All right. I want to return now to discuss  
12 your roles on the State Board, as well as the broader  
13 responsibilities of the State Board. Are you familiar  
14 with the State Board of Education Bylaws?

15 A That they exist, yes. That I probably read  
16 them once or twice, yes. That I have a deep abiding  
17 understanding and recollection, no.

18 Q And one moment. I am actually going to share  
19 my screen.

20 I would like for the court reporter to mark  
21 this document as Plaintiff's Exhibit 603.

22 (Plaintiff's Exhibit 603 was marked for  
23 identification.)

24 Q BY MS. HAMILTON: Mr. Winter, I am now showing  
25 you Plaintiff's Exhibit 603 which are the bylaws for the

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1 State Board of Education that are posted on the State DOE  
2 website.

3 I want to give you control over this document  
4 so that you can scroll through it momentarily, and then  
5 once you have scrolled through it, let me know when you  
6 are ready. You don't need to have it memorized. I just  
7 want to -- I'll -- I'll walk you through the parts that  
8 are relevant, but I mainly just want to confirm if you  
9 recognize the document.

10 A I am going to assume that I have seen it  
11 previously, but do I recall it, no.

12 Q As a State Board member, did you ever have to  
13 reference the Board of Education Bylaws?

14 MR. BELINFANTE: Object to form.

15 You can answer.

16 THE WITNESS: I may have. I don't recall. I  
17 was more familiar with what Georgia's constitution said  
18 about the State Board of Education, but again, I'm a  
19 numbers person, not a word person.

20 Q BY MS. HAMILTON: Are you aware of the purpose  
21 of the State Board Bylaws?

22 A Well, the purpose of bylaws of any organization  
23 are to set forth a mechanism to operate it, so that would  
24 be the case here.

25 Q Okay. What I would like to do is walk through

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1 some of the bylaw provisions to confirm whether it  
2 reflects your experience of what you were charged to do  
3 as a board member.

4 So what I would like to do is begin with  
5 Article -- let me start here at the top. So just to  
6 confirm, at the top, do you see here where it says that  
7 these are the Bylaws of the State Board of Education of  
8 the State of Georgia?

9 A Yes, ma'am.

10 Q Okay. And I am going to scroll down to Article  
11 3-2 which lists the duties of the board members. All  
12 right, and I'd like to walk through each of these one by  
13 one where it says, "Individual board members shall  
14 perform the following duties." The first one listed here  
15 says, "Meet as the SBOE at the State capital in the  
16 offices of the Georgia Department of Education or at such  
17 place in the capital as may be designated by the governor  
18 for that purpose."

19 Was this one of your duties as a State Board  
20 member?

21 MR. BELINFANTE: Object to form.

22 You can answer.

23 THE WITNESS: I think it was a -- a duty of the  
24 board. I showed up where I was supposed to show up.

25 Q BY MS. HAMILTON: Where were the State Board

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1 meetings held?

2 A 11 of 12 were held in Atlanta, and one per year  
3 was held somewhere in the state. Other than that, the  
4 constitution says that the State Board is to meet four  
5 times a year.

6 Q The second item listed here says individual  
7 board members shall "attend meetings" -- I'm looking at  
8 letter B, "attend meetings of the State SBOE, enter into  
9 discussion, and vote on items presented to the board for  
10 decisions."

11 Is this one of the duties that you performed as  
12 a State Board member?

13 MR. BELINFANTE: Object to form.

14 You can answer.

15 THE WITNESS: Yes, ma'am.

16 Q BY MS. HAMILTON: The next item listed here  
17 says individual board members shall "recognize that he or  
18 she, as an individual board member, has authority to bind  
19 the SBOE or act for the SBOE except on -- except on  
20 assignment from the SBOE."

21 Do you understand what this provision is  
22 referring to?

23 A No, because I don't believe that a board member  
24 individually could bind the State Board.

25 Q But you do see here where it is listed as a



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1 duty in the bylaws; is that correct?

2 A I see the printed words on the page.

3 Q But that doesn't reflect your personal  
4 experience as a board member; is that correct?

5 A As I stated previously, I do not believe an  
6 individual board member can bind the State Board.

7 Q The next item here says that individual board  
8 members must "adhere to the ethical standards adopted by  
9 the SBOE," and it references Appendix I.

10 Are you familiar with the ethical -- with the  
11 ethical standards adopted by the SBOE?

12 A Well, let's go down to Appendix I. I assume  
13 it's attached.

14 Q It is. And just for the record, the question  
15 again is: Are you familiar with the ethical standards  
16 that were adopted by the State Board listed in Appendix  
17 I?

18 A The answer would be generally yes.

19 Q And as a board member, did you have to adhere  
20 to these ethical standards?

21 A Yes.

22 Q I'm going to take control of the screen again  
23 and move on to this next duty listed here, letter E,  
24 which says -- again, going back to the top -- "Individual  
25 board members shall perform the following duties."

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1 Letter E says, "Become acquainted with the public  
2 educational issues in his or her district and the state  
3 as a whole, including conducting an annual public  
4 meeting, during the regular school-calendar year, in the  
5 congressional district which the board member  
6 represents."

7 Are you familiar with this duty as a member of  
8 the State Board?

9 A Again, the document, not per se, but what is  
10 contained in E, yes.

11 Q Okay. What -- so as a board member, did you  
12 become -- did you, quote, become acquainted with the  
13 public educational issues in your district?

14 A I believe I did.

15 Q How did you go about doing that?

16 A Well, first of all, I did hold most -- I think  
17 I only held 12, not 14, of the annual public meetings. I  
18 talked to my superintendents. I talked to interested  
19 parties that would call me on the phone or asked to meet  
20 with me, and then, of course, I was also educated at the  
21 State Board meetings.

22 Q Returning to your comment that you conducted at  
23 least 12 annual public meetings, when did those meetings  
24 occur?

25 A Typically in April or May.

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1 Q And who was your target audience when you held  
2 those meetings?

3 A Anyone that chose to show up.

4 Q How well attended were the meetings?

5 A They weren't.

6 Q And when you say they weren't, approximately  
7 how many people might be there on average?

8 A I remember one that had three, and I remember  
9 several that had more than a hundred.

10 Q Who set the agenda for those meetings?

11 A My job was to listen to the audience at the  
12 agenda.

13 Q So did you basically conduct those meetings as  
14 an open forum for people to share?

15 A Yes, ma'am.

16 Q Was the topic of GNETS ever raised at any of  
17 those public meetings?

18 A Not that I recall.

19 Q What type of issues were raised during the  
20 meetings?

21 A Testing was always a favorite. For a while the  
22 concept of -- of how do we rate teachers, educators.  
23 Money was always fun. Those would probably be the top  
24 three.

25 Q Okay. And when you mentioned that you also

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1 would meet with the superintendent, how frequently would  
2 you have those meetings? And, actually, let me clarify.  
3 Is this the superintendent of the school districts that  
4 were served by your district or the State superintendent?

5 A Well, I met with both --

6 Q Okay.

7 A -- but I was referring to the local  
8 superintendents. I would meet with them at least twice a  
9 year.

10 Q Okay.

11 A And these were attended probably, you know, 28  
12 to 30 times a year.

13 Q For the local school superintendents, what type  
14 of issues did they bring to your attention?

15 A Their favorite was always, we are not giving  
16 them enough money. I shared with them that that was from  
17 the governor and the General Assembly, but they had to  
18 vent somewhere, and so I was the person they vented to.

19 And then also the testing was another big one,  
20 and they had the same issues that any parent would have.

21 Q You also mentioned that you met with the State  
22 superintendent. What type of issues did you talk to him  
23 about or what type of issues did he raise with you?

24 A Well, I -- I got the pleasure of meeting with  
25 several superintendents. They all had different ways

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1 of -- of communicating. Richard Woods was always at a  
2 distance. The first superintendent was very much  
3 involved in details.

4 Q Were these one-on-one -- what type of meetings  
5 were these?

6 A They could be one-on-one. They also were at  
7 our two-day board meetings or during committee meetings.

8 Q Okay. You also mentioned that you became  
9 acquainted with the public educational issues at the  
10 State Board meetings. How -- I guess, what -- what did  
11 that look like? How did you learn about the issues at  
12 the State Board meetings?

13 A Well, the detail of the board was often done at  
14 the committee level, so obviously I was in budget or  
15 audit, but then each committee came back to what we  
16 called the committee of the whole or at our board  
17 meetings and would educate the members as the things that  
18 were going on within their subcommittee or their  
19 committee.

20 Q All right. I'd like to look at the next item  
21 here, letter F, which says individual board members will  
22 "support action of the SBOE, especially in his or her  
23 district; promote education at every opportunity,  
24 especially at civic group meetings, PTA meetings, and  
25 school meetings."

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1 Did you perform these duties as a State Board  
2 member?

3 MR. BELINFANTE: Object to the form.

4 You can answer.

5 THE WITNESS: When invited or requested, yes.  
6 Did I run around trying to set up 200 meetings in the  
7 course of a year, no.

8 Q BY MS. HAMILTON: All right. Letter G says  
9 individual board members will "refer problems brought to  
10 his or her attention to the State Superintendent of  
11 Schools for action, interpretation, or submission to --  
12 to the SBOE."

13 Again, I know you said you are not familiar  
14 with the document. Are you familiar with this as being a  
15 duty in general for a State Board member?

16 MR. BELINFANTE: Object to the form.

17 You can answer.

18 THE WITNESS: Again, as to the general thing,  
19 when I was aware of problems, I brought them to the  
20 attention of the superintendent and also the chair of the  
21 State Board.

22 Q BY MS. HAMILTON: Was there a formal process  
23 for bringing those problems to the attention of the  
24 superintendent or chair, or could you do it informally?

25 A Your question was garbled.

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1 Q Okay. Let me adjust this.

2 All right. Was there a formal process for  
3 referring problems to the superintendent and chair?

4 MR. BELINFANTE: Object to the form.

5 You can answer.

6 THE WITNESS: No.

7 Q BY MS. HAMILTON: So you could informally  
8 approach the superintendent to, quote, refer problems to  
9 him or her?

10 (Court reporter clarification.)

11 THE WITNESS: So I got lost in the question.

12 Q BY MS. HAMILTON: Sure, no worries.

13 The question was, I was just trying to confirm,  
14 so you could informally approach the superintendent to  
15 refer problems to him or her?

16 A Yes.

17 Q And similarly, you could informally approach  
18 the board chair to refer any problems; is that correct?

19 A Yes.

20 Q Once that information was referred to the  
21 superintendent, did the superintendent have to pass that  
22 information on to the State Board?

23 MR. BELINFANTE: Object to the form.

24 You can answer.

25 THE WITNESS: Well, realize that I would

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1 mention it to both the chair and the superintendent, so I  
2 would think that the board already would know, and -- and  
3 if they were areas within my district or in the area of  
4 finance, again, I would be working with others.

5 So do I think that things were communicated?  
6 The answer was yes, within the area of people's expertise  
7 and so on.

8 Q BY MS. HAMILTON: All right. The next item  
9 here says individual board members "serve on" -- well,  
10 "serve on committees when requested to do so by the chair  
11 of the State Board or SBOE."

12 You mentioned earlier that you served on the  
13 budget committee, correct?

14 A Yes, ma'am.

15 Q And did you serve on the budget committee at  
16 the request of the chair?

17 A Yes.

18 Q Okay. Similarly, I know you mentioned earlier  
19 that you served on the audit committee. Was that at the  
20 request of the chair?

21 A Yes.

22 Q All right. Moving on to letter I, it says  
23 individual board members will "inform himself or herself  
24 about educational issues and programs through attendance  
25 at local, state, and national educational meetings and



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1 through personal study."

2 Did you engage in any of these activities to  
3 learn more about your work connected to the board?

4 A National education meetings, I did two of those  
5 in 14 years.

6 In terms of educational issues and programs,  
7 actually, I was the instructor of finance training for  
8 local school board members. That was done twice a year.  
9 And later on we also changed that around a little bit and  
10 included members, board members from charter schools.  
11 And again, the rest of the information would have been  
12 through the board being educated by others.

13 Q All right. And then the last item listed here  
14 says the individual board members will, quote -- or I  
15 should say, can "suggest proposed policies to the State  
16 Superintendent of Schools for study and presentation to  
17 the board."

18 As a board member, did you ever suggest  
19 proposed policies to the State Superintendent of Schools?

20 A Probably in passing, things like -- for many  
21 years we had training programs for State Board members so  
22 they understood the portions of their job, especially in  
23 the area of finance and so on when they were coming on  
24 board. But again, you know, when we say "suggest  
25 proposed policies," those would be discussions as opposed

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1 to term papers.

2 Q When you shared that information with the State  
3 superintendent, did he have to take any action on that  
4 information?

5 A Have to? We discussed them, and the majority  
6 of the suggestions I made were put into place, and I  
7 don't recall any suggestions that I made that were not  
8 put in place.

9 Q Do you know if the State superintendent could  
10 have chosen not to take action on any of your  
11 suggestions?

12 MR. BELINFANTE: Object to the form.

13 You can answer.

14 THE WITNESS: That's a theoretical question  
15 that I really can't respond to because I didn't have that  
16 problem with the superintendents that I worked with.

17 Q BY MS. HAMILTON: Uh-huh. Did you have any  
18 other duties as a State Board member that we haven't  
19 already -- sorry, losing my voice.

20 Did you have any other duties as a State Board  
21 member that we haven't already discussed?

22 MR. BELINFANTE: Object to the form.

23 You can answer.

24 THE WITNESS: If there is a minor one that  
25 neither you have brought up, nor that I have recalled,

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1 you will need to forgive me, but as to the major ones,  
2 no, we have covered those.

3 Q BY MS. HAMILTON: At a high level, how does the  
4 State DOE bring items to the attention of the board that  
5 require a decision being made by the board?

6 A Well, I think each superintendent's  
7 organization of the state -- of the DOE was different.  
8 Kathy Cox, things went through her chief of staff, but  
9 she was very hands-on. Richard Woods is through his  
10 chief of staff, but Richard was very hands-off.

11 The majority of my time, say 12 of the 14  
12 years, department heads had the freedom to, during our  
13 committee meetings, meet with board members, meet with  
14 those board committees. The last couple of years, less  
15 so.

16 Q In terms of procedure, did board members have  
17 to submit any documentation in order to get an item on  
18 the board's agenda for a vote?

19 A Not that I am aware of.

20 Q All right. I just have a few high-level  
21 questions about the State Board's role when it comes to  
22 funding and budgetary matters. We will talk in more  
23 detail later about some of these things, but, generally  
24 speaking, what is the State Board's role when it comes to  
25 funding the State Department of Education?

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1 MR. BELINFANTE: Object to the form.

2 You can answer.

3 THE WITNESS: The funding of the State -- of  
4 the Depart -- you are saying -- well, your question is  
5 the funding of the Department of Education?

6 Q BY MS. HAMILTON: Yes.

7 A That's done by the General Assembly and the  
8 governor.

9 Q Does the State Board have any role with regard  
10 to funding --

11 A Role?

12 Q -- for the State Board?

13 MR. BELINFANTE: Object to the form.

14 You can answer.

15 THE WITNESS: Role, I would say no. We all  
16 have telephones.

17 Q BY MS. HAMILTON: What do you mean when you  
18 say, "We all have telephones"?

19 A You can call individual members of the General  
20 Assembly and share your problems with them or your  
21 concerns with them, as is the right of every citizen of  
22 the state of Georgia.

23 Q And could board members directly reach out to  
24 anyone on the General Assembly?

25 A Sure. What -- what prohibition could there be?

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1 Q Did you ever reach out to the General Assembly  
2 to raise issues or concerns --

3 A Yes.

4 Q -- related to the State DOE?

5 A The answer is yes because I was chair of  
6 budget. I would work with the education budget people  
7 within the House and Senate.

8 Q Did the State Board have any role in reviewing  
9 the proposed budget for the State DOE?

10 MR. BELINFANTE: Object to the form.

11 You can answer.

12 THE WITNESS: Okay. I'm again confused with  
13 your question. Within the Department, yes. From the --  
14 from the General Assembly's budget, again, that's between  
15 the General Assembly and the governor.

16 Q BY MS. HAMILTON: Right. And I'm just trying  
17 to -- I'm basically trying to parse out what is the  
18 difference between the General Assembly's  
19 responsibilities and the governor versus the State Board.  
20 So if there is no role, that -- that is finance.

21 A There is a significant difference between the  
22 two. Okay, the State Board of Education's budget  
23 committee would have meetings with all department heads  
24 and go through their budgets. Early on we had to deal  
25 with the fact that we are having to cut budgets

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1       tremendously. The interesting thing was during that same  
2       period of time our results were -- of our students  
3       were -- were increasing, but we would meet with each of  
4       the department heads going through their budgets  
5       understanding that, making sure they align to what the  
6       General Assembly had provided and that they were meeting  
7       the needs as we understood them. And that was done by  
8       the budget committee. That was part of their role.

9           Q     Were those steps taken -- just so I understand  
10       where this falls in the sequence. So the General  
11       Assembly and governor approved the budget, but am I  
12       hearing you correctly, in that you are saying after  
13       basically the budget has been approved, the budget  
14       committee can then discuss what's been allotted with the  
15       department heads?

16          A     That's correct, with -- within each segment,  
17       each department within the Department of Education.

18          Q     Okay. Does the State Board award any funding  
19       to the various departments for the State DOE?

20          A     Award, I wouldn't use the word award.

21          Q     Are there any actions beyond what you have  
22       already described where the State Board is involved with  
23       funding for the State DOE?

24          A     Well, other than getting interim reports that  
25       we were utilizing the money the way that the budgets and

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1 the State budget had allocated them to be.

2 Q Okay. And I guess I'm just trying to -- I'm  
3 just trying to think of an example. So, for example, if  
4 the State Board -- sorry, if the General Assembly and  
5 governor have allotted like a line item to a specific  
6 department in a certain amount, what flexibility, if any,  
7 does the State Board have to modify how that money gets  
8 directed to that department?

9 MR. BELINFANTE: Object to the form.

10 You can answer.

11 THE WITNESS: There are many different  
12 allocations of money within the State budget. Much of  
13 it, most of it, goes directly to the LEAs, and the  
14 department is a conduit, a pass-through. Within  
15 departments of the DOE, again, that would be more along  
16 the lines of the budget items we talked about previously.

17 Now, if somebody, be it an LEA or a program  
18 chose to not spend those moneys or deal with those  
19 problems the way that they should have, then those could  
20 be brought back to the State Board who are working with  
21 staff and the right people within the LEAs to correct  
22 their problems.

23 Q BY MS. HAMILTON: All right. And I will circle  
24 back to this topic later in the deposition with some more  
25 specific questions, but I was just trying to get an

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1 understanding at a high level of what the State Board of  
2 Education's role is in connection with funding.

3 The State Board of Education also has officers;  
4 is that correct?

5 A Yes.

6 Q During your time serving on the board, what  
7 were the various positions?

8 A Well, those that are shown there in 4-1.  
9 Plus --

10 Q And so -- I'm sorry. Go ahead.

11 A Plus then there were chairmen of various  
12 committees.

13 Q Okay. And just because I want to make sure  
14 that those officers are on the record, in 4-1, is it  
15 correct that you are saying that the State Board has a  
16 chair, vice chair, vice chair for appeals,  
17 parliamentarian, and executive officer when you were on  
18 the board?

19 A When I was on the board, yes.

20 Q And I guess just to circle back, because I know  
21 earlier you mentioned that you weren't sure if the State  
22 superintendent was a member of the board, does this --

23 A Okay.

24 Q -- inform your response?

25 A My response was, he was there, but he didn't



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1 have a vote and still does not.

2 Q Okay. So you would confirm that he is an  
3 officer of the board, but he didn't have a vote; he  
4 wasn't able to vote?

5 A That is correct.

6 Q Okay. Thank you.

7 All right. I want to scroll down to Article 5  
8 which talks about meetings. But again, I actually want  
9 to hear more about what your experience with these  
10 meetings were rather than walking through the bylaws.  
11 What you listed earlier, it sounds like there are several  
12 different types of meetings that you can participate in  
13 as a State Board member. What are those meetings? I  
14 should say, what are those formal meetings that the board  
15 holds?

16 A Well, there was a monthly formal meeting.  
17 There were committee meetings. There were executive  
18 sessions. There were called meetings. So all -- all of  
19 those meetings listed there occurred.

20 Q Okay. All right. Let's start then with just  
21 your regular monthly meetings. Those were held once a  
22 month; is that correct?

23 A Yes, sometimes just 11. It depends on whether  
24 a regular meeting needed to be held in concert with our  
25 annual planning meeting.

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1 Q Is the annual planning meeting the same as the  
2 annual board retreat?

3 A Yes.

4 Q Okay.

5 A To me.

6 (Court reporter clarification.)

7 Q BY MS. HAMILTON: Are the monthly meetings open  
8 to the public?

9 A Yes.

10 Q Does the board vote at those meetings?

11 A Yes.

12 Q Are minutes prepared after each meeting?

13 A Yes.

14 Q Who sets the agenda for the monthly board  
15 meetings?

16 A Well, much of it is standard. It's the same  
17 each month, but the ultimate arbiter would be the chair.

18 Q And you mentioned that much of the agenda is  
19 the same each month. What are some of the reoccurring  
20 agenda items at these monthly meetings?

21 A Well, reports of the various committees and  
22 then items that we need to vote on.

23 Q During the monthly meetings, did the board ever  
24 hold public hearings?

25 A Yes.

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1 Q And during the monthly meetings, were there  
2 regular opportunities for the superintendent to provide a  
3 report?

4 A Yes.

5 Q Okay. Relatedly, were there regular  
6 opportunities for the board chair to have provided a  
7 report?

8 A Yes.

9 Q And were those agenda items, do those only  
10 happen at the monthly meetings, or do they -- or can they  
11 happen at other types of meetings as well?

12 MR. BELINFANTE: Object to the form.

13 You can answer.

14 THE WITNESS: I don't understand the question.

15 Q BY MS. HAMILTON: Sure. So for those last  
16 items you mentioned the -- like, for example, public  
17 hearings, are public hearings only held during monthly  
18 meetings?

19 A I don't recall of one not happening at the  
20 monthly meeting.

21 Q Okay. Can they be held at other types of  
22 meetings?

23 A Again, I don't recall any not being held at the  
24 monthly meeting.

25 Q You also mentioned committee meetings. I know

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1 that there is a budget committee and an audit committee.

2 What other committees exist on the State Board?

3 A There were two major ones. One dealt with  
4 education matters and the other one with charter schools.

5 Q With regard to the committee that dealt with  
6 education matters, what was the scope of their focus?

7 A Education matters.

8 Q So any -- anything that fell under the bucket  
9 of education matters could be raised in that committee?

10 A Yes, that's my understanding.

11 Q Okay.

12 A In 14 years I never attended one of their  
13 meetings because at the same time, that's when budget was  
14 meeting.

15 Q Got it.

16 And I guess I want to understand the budget  
17 committee a bit better. What -- from your vantage point,  
18 what was the purpose of the budget committee?

19 A Public education is the largest component of  
20 state budget, and so the idea was to provide  
21 understanding and, to some extent, oversight of how we  
22 were spending our money. Were we meeting needs? Were  
23 we -- you know, obviously, we -- we also have problems,  
24 and are we dealing with those problems appropriately?

25 Q What do the typical budget committee -- budget

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1 committee meeting look like?

2 A Well, people would -- we had an agenda of -- of  
3 items to discuss, and we would discuss those, and if you  
4 love numbers, it was a dream, and if you didn't like  
5 numbers, it was a nightmare.

6 Q How frequently did the budget committee meet?

7 A Every month. And sometimes during the annual  
8 retreat we did not meet, but for sure the other 11, and  
9 we had special meetings as well.

10 Q What would be the purpose of the special  
11 meetings?

12 A As I shared with you earlier, once a year we  
13 would sit down with all of the department heads within  
14 the department going through their budget and -- and so  
15 on. And that would take typically two days prior to the  
16 finance committee and then the board approving their  
17 budgets. And then again problems would arise, and we  
18 would meet and deal with those. I know this will be a  
19 shock to you, but occasionally people steal.

20 Q In addition to stealing, were there any other  
21 typical problems that you would address during these  
22 meetings?

23 A Well, if -- if it was brought to our attention  
24 that people were not dealing with the issues for which  
25 they were created, we could work with either departments

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1 within the department or other committees within the  
2 board to see if we can come up with a resolution.

3 Q During these meetings, could the department  
4 heads request supplemental -- supplemental funding?

5 (Court reporter clarification.)

6 MR. BELINFANTE: Object to form.

7 You can answer.

8 THE WITNESS: Request, yes. What flexibility  
9 we had would be the -- probably difficult. Not -- not  
10 always, but probably.

11 Q BY MS. HAMILTON: Did the budget committee have  
12 access -- let me -- actually, let me take a step back.

13 Were there supplemental funds available that  
14 the budget committee could access in response to these  
15 types of requests?

16 A Probably no.

17 Q And when you say "probably no," does that mean  
18 that there never was funding?

19 A The process would be we would have to go back  
20 through the General Assembly and the governor.

21 Q Okay. And as a State Board, would you make  
22 those requests at the General Assembly and governor?

23 MR. BELINFANTE: Object to the form.

24 You can answer.

25 THE WITNESS: Are you asking me as an

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1 individual or are you asking the board? I was confused  
2 by your question.

3 Q BY MS. HAMILTON: Technically either, but  
4 primarily the board first. I'm just trying to make sure  
5 I understood your response when you were saying it would  
6 have to go through the State Board or governor -- I'm  
7 sorry, it would have to go through the General Assembly  
8 or governor, and so I was trying to figure out how the  
9 request would get to the General Assembly and governor.

10 A It could be through the board, but more likely  
11 it was the use of a telephone, is there any flexibility  
12 on the General Assembly's or the governor's side?

13 Q And when you say "use of the telephone," does  
14 that mean an individual board member could reach out to  
15 the General Assembly to make a request for supplemental  
16 funds?

17 A Yes.

18 Q In your experience on the board, did you ever  
19 use the phone, so to speak, to make a request of the  
20 General Assembly -- I'm trying to use your words --  
21 General Assembly or governor to request supplemental  
22 funds?

23 A Yes.

24 Q What would be an example of -- of a time when  
25 you did that?

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1           A    We needed additional help in our GNETS program,  
2           and so I went to Governor Deal to ask him to see if he  
3           couldn't provide to us Clara Keith who worked with the  
4           Department of Community Health, because she had expertise  
5           in this area, and he agreed.

6           Q    When you approached Governor Deal to make that  
7           request, did you have to follow any sort of formal  
8           protocol?

9           A    Well, it was a decision of more people than me.

10          Q    Uh-huh.

11          A    And it would have been a consensus within the  
12          board and a request of the -- the GNETS folks. So that  
13          would have been involved with the people within the  
14          department.

15          Q    Okay. And I -- I apologize if -- if I'm not  
16          fully understanding that. So before you approached  
17          Governor Deal, had you had this discussion with the State  
18          Board regarding the need to hire Clara Keith?

19          A    Within the committees, the answer is yes.

20          Q    Okay. And what was the discussion that you had  
21          surrounding the need for bringing on Clara Keith?

22          A    We needed more help, and she had the expertise  
23          we needed.

24          Q    Why Clara Keith in particular?

25          A    Because she had the expertise that we needed.



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1 Q Did you -- had you worked with Clara Keith  
2 before?

3 A Yes.

4 Q In what context did you work with Ms. Keith?

5 A She used to be a staff member of the Department  
6 of Education, and then she retired and went to work with  
7 Community Health, and we just needed her continued  
8 assistance. And so lending her to the department was  
9 something within the purview of the governor.

10 Q Okay. And when you say "lending her," I  
11 apologize if I don't understand the process there. Was  
12 the goal for the Department of Education to hire  
13 Ms. Keith?

14 A No.

15 Q Okay. Was the goal for any State agency to  
16 hire her, or you specifically wanted another department?

17 A She already was in the Department of Community  
18 Health. We just needed to borrow her.

19 Q Okay. And I -- I guess also just to clarify, I  
20 don't know if this is familiar to you, but when we  
21 deposed Ms. Keith, she had mentioned that she was with  
22 the Department of Behavioral Health and Development  
23 Disabilities.

24 A Thank you. I'm using the wrong term. That's  
25 the word.

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1 Q Okay. I just wanted to make sure we were  
2 talking about the same person. Thank you.

3 Okay. So you wanted to borrow her from that  
4 agency to assist with some issues related to GNETS; is  
5 that correct?

6 A Yes, ma'am.

7 Q Okay. And did -- to the extent that she  
8 provided assistance to the Department of Education, did  
9 you all have to fund -- provide any funding toward her  
10 work in doing so?

11 A Not that I recall.

12 Q Okay. So she was fully paid by the other  
13 department?

14 A They -- they lent her to us, that's correct.

15 Q Okay. Was anyone else involved in the decision  
16 of bringing Clara Keith on board to assist with the GNETS  
17 program?

18 A I am sure many people were; several members of  
19 the board, several members of the department, several  
20 members of the governor's staff.

21 Q Which ones were you direct -- in direct  
22 communication with with regard to Ms. Keith's position?

23 A Several members of the department, several  
24 members of the State Board, several members of the  
25 governor's staff.

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1 Q Do you remember which members of the  
2 department?

3 A I don't recall.

4 Q Did you meet with Ms. Keith to discuss her  
5 working with the Department of Education to assist with  
6 GNETS --

7 A Yes, ma'am.

8 Q -- in this capacity?

9 A Yes, ma'am.

10 Q Okay. What did you discuss with her when you  
11 met with her?

12 A We needed her help; would she help?

13 Q What was her reaction?

14 A She agreed.

15 Q Okay. Did you provide any more specifics to  
16 her regarding what exactly her responsibilities would be?

17 A That would be outside my area of expertise.

18 Q So when you spoke to her, would you say that  
19 your primary role was to bring her on board to assist  
20 with GNETS?

21 A Yes. Not by myself, but the answer is yes.

22 Q Okay. Okay. And, Mr. Winter, I just want to  
23 check in. How are you doing just in general? Do you  
24 need to take a break, or are you doing okay?

25 A It's been an hour and a half, so it probably

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1 wouldn't hurt for us to take a ten-minute break.

2 MS. HAMILTON: All right. Why don't we do that  
3 and reconvene at 10:40 a.m.

4 THE VIDEOGRAPHER: We are off the record at  
5 10:31 a.m.

6 (The deposition was at recess from 10:31 a.m.  
7 to 10:44 a.m.)

8 THE VIDEOGRAPHER: We are back on the record at  
9 10:44 a.m.

10 Q BY MS. HAMILTON: Mr. Winter, I want to circle  
11 back to our discussion briefly about Clara Keith, just  
12 with a few clarifying questions. First, what position  
13 did you understand Ms. Keith to hold at DBHDD when you  
14 reached out to see if you could borrow her to work at  
15 DOE?

16 A I don't recall.

17 Q How did you come to understand that Ms. Keith  
18 was employed by that agency at the time?

19 A Well, I had known Clara and worked for her when  
20 she was an employee of DOE, so how I found out the other  
21 piece, I'm -- I'm not real sure. I'm sure it was not  
22 formally but informally.

23 Q Okay. Who did you -- who, if anyone, did you  
24 coordinate with at DBHDD in order to be able to borrow  
25 her to assist with GNETS?

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1 A Never did.

2 Q Okay. But you never had to coordinate with  
3 anyone at that agency in particular?

4 A No, I did not.

5 Q Okay. Do you have any sense of how she split  
6 her time between her work at DBHDD and the Department of  
7 Education?

8 A I'm fairly certain the majority of it was  
9 working in GNETS.

10 Q What particular expertise did Ms. Keith have  
11 that prompted the request for her to assist with GNETS?

12 A I'm real good at money; I'm not real good at  
13 educational terms. She had the faith of those involved,  
14 and, you know, when she retired from the Department, we  
15 felt that we needed her back to help with this, so that's  
16 as generally -- general as I can get.

17 Q Okay. And did you have a sense of who she  
18 would be working with when she did start assisting with  
19 GNETS?

20 A Nakeba Rollings (sic).

21 Q And I know -- you said Nakeba. There was a  
22 Nakeba Rahming that ran the --

23 A Rahming, right.

24 Q Is that --

25 Okay. Was there anyone else who you understood

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1 that she would be -- that Clara Keith would be working  
2 with?

3 A Well, I'm -- I'm sure she worked with many  
4 people out in the field, but the answer is no. Remember  
5 that I am money; I am not education.

6 Q All right. I wanted to turn to discussing the  
7 various meetings that are held by the State Board, and we  
8 were talking about the many meetings, in particular the  
9 budget committee meetings. Was that meeting open to the  
10 public?

11 A Yes, ma'am.

12 Q As a budget committee, did you vote on any  
13 agenda items like during the committee meetings?

14 A No.

15 Q Okay. So is it accurate to say that any agenda  
16 items that required a vote from the board had to be  
17 addressed in the larger board meetings?

18 A Yes, ma'am.

19 Q Were minutes prepared after each meeting?

20 MR. BELINFANTE: Object to the form.

21 You can answer.

22 THE WITNESS: Minutes of?

23 Q BY MS. HAMILTON: From a procedural standpoint,  
24 were written minutes prepared --

25 MR. BELINFANTE: Form.

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1 Q BY MS. HAMILTON: -- after each of the budget  
2 meetings?

3 A No, I don't recall. We had an agenda of what  
4 we would discuss, and we just discussed those items, and  
5 I don't believe anything more was -- was written.

6 Q How long did the budget committee meetings  
7 typically last?

8 A Typically, two hours.

9 Q Earlier you also mentioned that the State Board  
10 held committee as a whole meetings. What are committee  
11 as a whole meetings?

12 A Where the State Board came back together and  
13 reported their individual committees to the entire board.

14 Q All right. How are those meetings different  
15 from the formal monthly meetings that we discussed  
16 earlier?

17 A Well, they were held on a different day in  
18 order to help the board prepare for its formal board  
19 agenda.

20 Q Okay. And is it accurate that all of the  
21 board -- all of the board members participated in the  
22 committee of the whole meetings?

23 A No. It would be all that showed up, so if  
24 somebody didn't show up. But everyone was invited. No  
25 one was excluded.

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1 Q Okay. Were those meetings open to the public?

2 A Yes.

3 Q Was there agenda -- sorry, was there an agenda  
4 for those meetings?

5 A Yes, a basic one, but each of the committees  
6 reported to the committee of the whole.

7 Q Did the board ever vote on matters during the  
8 committee of the whole meetings?

9 A No.

10 Q And when you say that the committees  
11 reported -- reported back at these meetings, what -- what  
12 did the, quote, reporting back look like? Did they give  
13 presentations?

14 A Yes. There was -- I'll speak to budget. Okay?  
15 We had -- we had our agenda that we had gone through as a  
16 budget committee. We brought that agenda and said, you  
17 know, here's what we discussed. Here are observations  
18 that we have made, and these are the recommendations we  
19 are probably going to make at the meeting.

20 Q Were other members of the board allowed to ask  
21 questions of the various committees during these  
22 meetings?

23 A Okay. Again, I'm not sure I understand your  
24 question.

25 Q Sure. Were -- so, for example, you were



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1 talking about what the budget committee would present  
2 during these meetings. Did other board members not on  
3 the budget committee ask questions?

4 A So we are talking about at the committee of the  
5 whole?

6 Q Yes.

7 A Okay. That was my confusion.

8 Anyone in the room could ask questions. That  
9 was the whole purpose of it.

10 Q You also mentioned earlier that there are  
11 meetings that are named, quote, called, c-a-l-l-e-d,  
12 board meetings. What are called board meetings?

13 A Well, they were listed on the document that you  
14 had before us earlier, and that's something that needed  
15 to be dealt with by the board and couldn't wait for their  
16 monthly meeting.

17 Q Okay. Could a board meeting be called about  
18 any topic?

19 A I would assume so, but that would be an -- an  
20 assumption. That would be -- you know, it would be -- be  
21 called because the chair and -- and the superintendent  
22 felt that there was a need for a meeting.

23 Q So did individual committees request that board  
24 meeting be called outside of the normal committee meeting  
25 structure -- I'm sorry, outside of the normal meeting

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1 structure?

2 MR. BELINFANTE: Object to the form.

3 You can answer.

4 THE WITNESS: I would assume that if I felt  
5 that there was a need, that I could go to the -- the  
6 chair and the superintendent and request one. I don't  
7 recall ever having done that in 14 years.

8 Q BY MS. HAMILTON: Are the called board meetings  
9 open to the public?

10 A Yes and no. Yes as to my items that are open  
11 to the public generally, no if it was a matter dealing  
12 with personnel.

13 Q Were there any called meetings where the board  
14 members voted on agenda items?

15 A Yes.

16 Q Okay.

17 A But let's define the word agenda items. When a  
18 called board meeting was called, you knew what it was  
19 about, so that would be the agenda item.

20 Q Uh-huh. Okay. And were minutes prepared after  
21 the called board meeting?

22 A I am assuming so, but that was not my  
23 responsibility.

24 Q All right. Are you familiar with the Georgia  
25 Foundation for Public Education?

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1 A That it exists and not really anything more.

2 Q Okay. Did you ever attend any of their  
3 meetings, the Georgia Foundation for Public Education  
4 meetings?

5 A No.

6 Q Okay. Earlier you also mentioned that the  
7 State Board of Education had planning meetings; is that  
8 correct?

9 A Yes, which you have properly termed the  
10 retreat.

11 Q Okay. When did those planning meetings or  
12 retreats typically occur?

13 A It depends. I remember one or two being in  
14 April. I remember the majority of them being in  
15 September or October.

16 Q Okay. Who participates in those meetings?

17 A Well, the members of the State Board, the upper  
18 members of the cabinet of the Department.

19 Q Can any members of the public participate in  
20 the planning meetings and retreats?

21 A Yes, and often we did have visitors.

22 Q Were there ever items that required board  
23 members to vote during the -- during these retreats?

24 A Okay, I am going to split hairs with you.  
25 Earlier I already explained that if there was the need

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1 for votes, we would have a meeting, so there was a  
2 retreat, and then we would have a called meeting, the  
3 called meeting having been publicized in advance in  
4 accordance with State law.

5 So if you are going to merge the two or are you  
6 going to recognize -- I am working very hard to keep them  
7 separate -- they just happened at the same location.

8 Q Okay. That was actually a really helpful  
9 clarification. Thank you, Mr. Winter.

10 Who sets the agenda for the board retreats?

11 A I'm sorry, you were garbled.

12 Q Who sets the agenda for the board retreats?

13 A The board chair would have the majority of  
14 control over the agenda. They would take input from the  
15 members of the board and from the superintendent and his  
16 cabinet.

17 Q Did you -- sorry, did you attend the retreats  
18 every year?

19 A I believe we might -- there might have been one  
20 year when we didn't have, but every year that we had  
21 it -- had one, I was at it.

22 Q Okay. I am going to share a document on my  
23 screen, and I would like for the court reporter to mark  
24 this document as Plaintiff's Exhibit 604.

25 (Plaintiff's Exhibit 604 was marked for

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1 identification.)

2 Q BY MS. HAMILTON: Mr. Winter, I am now showing  
3 you Plaintiff's Exhibit 604. This is an October 21st,  
4 2016 press release about the October 2016 State Board  
5 retreat. This document also has an attachment which has  
6 a copy of the agenda, and I do just want to note for the  
7 record that the Bates number on the first page is  
8 GA00053761.

9 I'm going to give you control of the document  
10 just to give you a brief moment to scroll through to see  
11 if you recognize the document, and then you can let me  
12 know if you are ready.

13 A I recall the meeting. I didn't remember the  
14 details of the document, but I recall the meeting.

15 Q Okay. And did you attend the meeting?

16 A Yes, ma'am.

17 Q All right. So looking here at page -- let's  
18 see. Looking here at the last page, page 5 of the  
19 agenda, I note that there is mention of a presentation  
20 here. I think -- it looks like it was around 10:45. It  
21 says there was a presentation delivered by Nakeba  
22 Rahming, the State GNETS director about the GNETS  
23 program. Do you see that here?

24 A I do.

25 Q Why would GNETS have been on the agenda?

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1           A    We heard from many of the programs that the  
2   State was involved in, and -- yeah, as you look at -- at  
3   the five pages, you see reports from many of the cabinet  
4   members informing the State Board.

5           Q    Was GNETS typically included as a topic during  
6   the board retreat?

7           A    Typically, I can't answer that. I don't  
8   recall.

9           Q    Was it ever discussed at any board retreats  
10  besides the one that we are looking at from October 2016?

11          A    I -- I don't recall.

12          Q    It says here that Ms. Rahming delivered this  
13  presentation. What did she discuss during the board  
14  retreat about GNETS?

15          A    I don't recall.

16          Q    What was the overall purpose of the board  
17  retreat?

18          A    To educate board members about what was going  
19  on within the department and education in Georgia in a  
20  setting that gave us more time to discuss as a group.

21          Q    I'm going to share another document, and I  
22  would like for the court reporter to mark this next  
23  document as Plaintiff's Exhibit 600 -- 605, or six zero  
24  five.

25                   (Plaintiff's Exhibit 605 was marked for

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1 identification.)

2 Q BY MS. HAMILTON: Mr. Winter, I am now showing  
3 you Plaintiff's Exhibit 605. This is a May 22nd, 2018  
4 cover e-mail with an attachment that you sent to Matt  
5 Jones with the subject line "Orientation -- Forward:  
6 Orientation Agenda.docx." The Bates number of the first  
7 page is GA03510889.

8 As before, I'm going to give you control.  
9 Actually, you may already have control to scroll through  
10 the document to see if you recognize it.

11 A Okay.

12 Q Do you recognize this document?

13 A I recall it. I had discussed --

14 Q Okay.

15 A -- with you earlier -- pardon me. I had  
16 discussed with you earlier that we had new board member  
17 training, and I would head that up, and this is the  
18 agenda for one of those. And it's a training --

19 Q Okay.

20 A -- specifically for Matthew Krull who was  
21 joining the board.

22 Q How frequently did you hold these new member --  
23 did the board hold these new member orientations?

24 A Whenever a new board member came or any number  
25 of them. Up until my last two years on the board, the

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1 superintendent decided that he felt that -- well, I can't  
2 judge his -- his decision, but his decision was that the  
3 department would no longer support new -- new board  
4 member training sessions, and thus, they ceased  
5 occurring.

6 Q Okay. Why did they make that decision to no  
7 longer support the new member orientations?

8 A You will need to ask the superintendent.

9 Q Okay. Were there any budget reasons that may  
10 have influenced that decision to stop holding the  
11 orientations?

12 A You will need to ask the superintendent.

13 Q Okay. All right. I want to return to the  
14 cover e-mail, and it mentions that attached is the draft  
15 agenda. Did you prepare the attached draft agenda?

16 A In working with others, the answer would be  
17 yes.

18 Q Okay. So I want to scroll down to page 2 of  
19 this agenda, and it looks like on -- on the agenda, it  
20 said Tuesday, July 17th, 2018, at 2:00 p.m. there were a  
21 number of presentations, one of them being a presentation  
22 by Vickie Cleveland, program manager, about the GNETS  
23 program. Do you see that?

24 A Yes.

25 Q Okay. Why would GNETS have been on the agenda



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1 for the new member board orientation?

2 A The purpose of each item on the agenda was to  
3 give board members a basic understanding of the programs  
4 that were going on within the state that they are going  
5 to be hearing about so that they didn't walk into a room  
6 but to hear a presentation over which they knew  
7 absolutely nothing.

8 Q Was GNETS a topic that was typically included  
9 as a topic for new members during the orientation?

10 MR. BELINFANTE: Sorry, I had an objection to  
11 form.

12 But you can answer.

13 THE WITNESS: I'm having difficulty with the  
14 word "typically."

15 Q BY MS. HAMILTON: Sure. Was GNETS ever  
16 included on any other agendas for the new member board  
17 orientations besides this one?

18 A That's my problem. I don't remember the  
19 agendas of each. When I was working to develop these  
20 agendas, you know, I -- I pick the topics that I felt  
21 were most interesting at the time. And also to some  
22 extent, that we had limitations on time and availability  
23 of -- of people.

24 Q Okay. To the extent that GNETS was the -- on  
25 the agenda for this July 2018 orientation, were there any

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1 particular topics that you had wanted Ms. Cleveland to  
2 cover about the GNETS program during that time?

3 A Well, in the 15 minutes that she would have  
4 had, she would have been discussing to Mr. Krull, we have  
5 this program. This is what it is, and this is what it's  
6 for, and there wouldn't be really much time for anything  
7 more than that.

8 Q Did any other board members participate in the  
9 training besides the new member or members?

10 A Yes.

11 Q I'm sorry, did any new -- did any other board  
12 members participate in the orientation besides the new  
13 member or members?

14 A Typically one or two would -- would be there.  
15 They all knew it existed. They all knew that they were  
16 invited. Normally they were the days just before our  
17 board meetings, so it was convenient for some to come  
18 join us a day early and go through this with us. It was  
19 also a great opportunity to meet this brand-new member.

20 Q All right. I am going to stop sharing my  
21 screen, and I'm going to switch gears with the questions  
22 that I have for you and just ask you some general  
23 questions about the GNETS program.

24 When did you first learn about the GNETS  
25 program?

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1           A    I'm -- I'm assuming before 2016, but I don't  
2           know, and I'm picking that up from the other documents  
3           that you shared with me.

4           Q    You said you joined the board in 2006; is that  
5           correct?

6           A    2005, I thought.

7           Q    Or 2005. Okay.

8           A    Yeah, spring of 2005.

9           Q    Okay. When you first joined the State Board,  
10          were you aware of the GNETS program?

11          A    When I first joined the State Board, my period  
12          of introduction took 15 minutes over a cup of coffee  
13          before walking upstairs to having a board meeting, so I  
14          would say before, the answer would be no.

15          Q    Okay. So at least 2016 -- at least around 2016  
16          you had learned about the GNETS program, correct?

17          A    Right.

18          Q    Okay. What is your understanding of the  
19          purpose of the GNETS program?

20          A    To provide an interim step for education of --  
21          of children with special educational needs. There were  
22          various alternatives that were available, including  
23          putting kids in special schools that, you know,  
24          unfortunately, because they were a danger to themselves  
25          or others or things like that.

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1           So, you know, the idea was to have education  
2 taking place on the children at the best spot to meet  
3 their needs where you could also pull together the  
4 staffing and -- and information that you need to help  
5 that child. So for some kids it could have been some  
6 pull-out classes at their general school.

7           And then a next step might be or was a GNETS  
8 center where kids from several schools were brought  
9 together, where instead of having one child in the class  
10 or two, you could have a group, and you can also have a  
11 group of specialists that would meet with their needs.  
12 And we had a lot of successes with this program, was my  
13 understanding.

14           Q    Okay. Which GNETS programs served the students  
15 in the district that you represented?

16           A    Okay. I will fumble the names, but I know that  
17 Cherokee had probably one of the best in the state.  
18 Whitfield had a good one. I pick on those two because I  
19 visited both of them several occasions. There was some  
20 mountain districts where you had like four districts that  
21 came together that -- that did a GNETS together. It  
22 really depended a lot on numbers of students and the  
23 ability to find the right local location. I visited the  
24 one in Blue Ridge and Fannin counties as well. I'm not  
25 sure if I visited Walker County. But again, we had a

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1 number of them.

2 Q Okay. Do you recall if any of the places that  
3 you visited fell within the Northwest GNETS program,  
4 Northwest Georgia GNETS program?

5 A Well, that would to me be the Whitfield/City of  
6 Dalton one.

7 Q Okay. And similarly, do you recall if any of  
8 the programs that were served by your district fell  
9 within the NorthStar GNETS program?

10 A I believe that was Rome, so that would have  
11 been Floyd, City of Rome, maybe one or two other  
12 districts there. That's the best I --

13 Q And that fell within your purview?

14 A Yes, that would be part of the 14th district.

15 Q And I knew you mentioned that you had visited a  
16 program in Cherokee -- I believe Cherokee County?

17 A Yeah.

18 Q Are you aware -- okay. Are you aware that at  
19 some point they stopped using the GNETS program?

20 A I vaguely recall when they lost their director,  
21 they stopped using the GNETS program.

22 Q Okay. Also various programs that were served  
23 in your district, do you recall if some of them had  
24 separate GNETS centers?

25 A Yes.

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1 Q Okay. And likewise, did any of the programs in  
2 your district have GNETS school-based classrooms?

3 A My recollection was that some did, even where  
4 they were central that they could meet the child's needs  
5 because it wasn't needed full-time at the school, and  
6 then if children had greater needs, they would go to a  
7 center. That's my recollection.

8 Q What were your impressions of the GNETS  
9 programs that served students in your district?

10 A Generally very good. Again, the Cherokee  
11 program, when it was in existence, was -- we had people  
12 from all over the world coming to there. They -- they  
13 would only take four people from outside of the state of  
14 Georgia per year to come work there for a year to learn  
15 the educational techniques that they were using there.

16 The feedback from both students and faculty  
17 in -- in the one in Whitfield/Dalton was very, very high.  
18 The one in Ellijay/Blue Ridge, also was very high. Those  
19 are the ones I recall meeting with parents and educators  
20 about the most.

21 Q Were any issues or concerns ever brought to  
22 your attention about the GNETS programs that served  
23 students in your district?

24 A One time a complaint that was brought to my  
25 attention on a facility issue in Dalton/Whitfield, and

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1 that was brought to their attention, as well, and was  
2 remediated.

3 Q How did that issue get brought to your  
4 attention?

5 A I'm not really sure. I think a parent, but  
6 that's merely a think as opposed to a know.

7 Q And approximately when was that complaint  
8 brought to your attention?

9 A No, I can't help you there.

10 Q Would it have been in the last five years?

11 A Well, I haven't been on the board for the last  
12 three, really the last four, so the answer would be no.  
13 I would remember if it was in the last five. It was  
14 years ago.

15 Q Okay. Would it -- do you remember if it was in  
16 the last five years of the time frame that you served on  
17 the board?

18 A That would be more realistic.

19 Q Okay. When that complaint was brought to your  
20 attention, what steps, if any, did you take with that  
21 information?

22 A I called the two superintendents, and we had  
23 lunch. We met at the school. We looked at the issue.  
24 They agreed with me that the parent was right and we  
25 needed to fix it, and they did.

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1 Q When you say "two superintendents," were these  
2 the local school superintendents?

3 A Yes, ma'am.

4 Q Okay. At any point did you have to raise this  
5 issue with the State Board of Education?

6 MR. BELINFANTE: Object to the form.

7 THE WITNESS: Your question is too general for  
8 me to answer.

9 Q BY MS. HAMILTON: Okay. I guess to clarify,  
10 like it sounds like you were able to meet with the State  
11 superintendents to resolve the issues. Was there  
12 anything related to this complaint that you had to bring  
13 to the attention of the State Board?

14 A Okay. Your -- your question confuses me again.  
15 You are asking -- your statement, if I remember  
16 correctly, was that I was able to resume it -- or resolve  
17 it with the State superintendents. I -- I didn't meet  
18 with --

19 Q The school superintendents.

20 A The local superintendents that I met with,  
21 okay. And there was no reason to go any farther than  
22 that. There was a need that got communicated and  
23 corrected.

24 Q Okay. And I apologize if you didn't hear me  
25 correctly. I was saying my understanding was that you



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1 met with the local school superintendents.

2 A Yes, ma'am.

3 Q Okay. And so what I hear you saying is that  
4 because you resolved it with the local school  
5 superintendents, you did not need to elevate it to the  
6 State Board; is that correct?

7 A In my opinion, that is correct.

8 Q Okay. Were any other issues brought to your  
9 attention about the GNETS program?

10 A Yes.

11 Q What are other examples of the issues that were  
12 brought to your attention in your district?

13 A In my district, the answer is none.

14 Q Okay. All right. So then now we can broaden  
15 it. What other issues were brought to your attention  
16 about the GNETS program?

17 A It was either six or eight of the centers, we  
18 had had some complaints in terms of their physical  
19 facilities, and the State Board took notice of that. I  
20 believe we had the State fire marshal check each of these  
21 locations. The report back was that they were  
22 substandard. With the backing of the board, the chair,  
23 Mike Royal, had meetings with, I believe, all of them,  
24 but certainly most of them, and shared with them the news  
25 that they needed to do something very, very radical to

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1 improve those facilities. And once their attention was  
2 gotten, they did that.

3 Q How were those complaints brought to the  
4 board's attention?

5 A I would assume, but that would be my only  
6 answer. So I can't -- can't answer how it was. It  
7 didn't come through me, and I was made aware of it, but  
8 it didn't come to the board from me.

9 Q And what was the board's role exactly in  
10 responding to these complaints about the physical  
11 facilities?

12 MR. BELINFANTE: Object to the form.

13 You can answer.

14 THE WITNESS: It was more by way of supporting  
15 the staff and then sharing with people the consequences  
16 of them not -- not working with the staff and fixing the  
17 problems.

18 Q BY MS. HAMILTON: Did the State Board make any  
19 recommendations pertaining to the closure of any of those  
20 GNETS facilities?

21 A The answer, in my -- I'm going to use my terms;  
22 that we wouldn't fund GNETS programs in those facilities.  
23 They needed different facilities.

24 Q Was the State Board of Education involved in  
25 issuing any notices of facility closures?

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1           A    I can't speak to that. I know that there  
2 was -- you know, a notice of that to me would be formal.  
3 All I know is that very strong, detailed conversations  
4 took place with those centers, and all of them decided  
5 that the better part of valor was to immediately correct  
6 their problems.

7           Q    I'm going to share a document with you.

8                   All right. I'd like for the court reporter to  
9 mark this next document as Plaintiff's Exhibit 606.

10                   (Plaintiff's Exhibit 606 was marked for  
11 identification.)

12           Q    BY MS. HAMILTON: And Mr. Winter, I am now  
13 showing you Plaintiff's Exhibit 606. This is a May 11th,  
14 2016 e-mail that you sent to Linda Myers copying Ted Beck  
15 and Mike Royal with the subject line, "A summary of the  
16 GNETS facilities assessment." The Bates number of this  
17 document is GA00279424.

18                   This is the extent of the document, so I'm not  
19 going to share my -- give over control of the mouse, but  
20 everything on the screen is there. If you want to take a  
21 minute to look at it. Do you see it?

22                   MR. BELINFANTE: I'm not seeing the document.

23                   MS. HAMILTON: Okay. Let me try this again.  
24 My apologies.

25                   MR. BELINFANTE: Okay. Thank you.

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1 Q BY MS. HAMILTON: Okay. And just so you all  
2 can see, that this is the extent of the document on this  
3 one page.

4 A Great.

5 Q Mr. Winter, do you recognize this document?

6 A No, but it makes perfect sense. I mean, I'm --  
7 I'm not disclaiming it.

8 Q Okay. First of all, I want to make sure I  
9 understand who some of these people are. Linda Myers,  
10 who is Linda Myers?

11 A She was Ted Beck's secretary.

12 Q Okay. And then who was Ted Beck?

13 A Chief financial officer of the department.

14 Q Okay. And then Mike Royal, I believe you  
15 mentioned that he was the State Board chair for some  
16 period of time?

17 A I believe he was chair in '16 and '17.

18 Q Okay. All right. And in this e-mail, it says  
19 here you were asking if Mike could highly summarize the  
20 work of your team regarding the GNETS facilities.

21 I'm curious, the Mike that you are referring to  
22 here, was this Mike Roland or Roland?

23 A He's Mike Royal.

24 Q Okay. I'm just -- I'm -- I'm sorry. I was  
25 trying to figure out where you say Mike, were you asking

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1 Mike --

2 A Carbon copy.

3 Q -- to summarize the work of the team here, or  
4 were you referring to a different Mike?

5 A Well, from -- from reading the document, I  
6 believe I am referring to Mike Royal.

7 Q Okay. So would Mike Royal have had a team  
8 working on the GNETS facilities?

9 A I shared with you earlier that the problems  
10 with the facilities were brought to the attention of the  
11 board, and Mike Royal as chair had brought together a  
12 group of people, some within the department, and I  
13 believe the State fire marshal, to look at these very  
14 quickly. I had a report verbally that they had done that  
15 work, and this letter was from me to Mike saying, hey,  
16 summarize what you discovered.

17 Q Okay. How were you planning to use that  
18 information?

19 A I used that to educate myself.

20 Q And just to make sure I understand, when you  
21 say to educate yourself, what were you educating yourself  
22 on?

23 A What was going on at the GNET facilities.

24 Q And I know we talked a moment ago about the  
25 closure of the facilities. Did you have any involvement

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1 or take any action in connection with the facility  
2 assessments?

3 A Assessments, no. That's outside my area of  
4 expertise.

5 Q Okay. Did the State Board make any  
6 recommendations or take any action with respect to the  
7 facility assessments?

8 MR. BELINFANTE: Object to the form.  
9 You can answer.

10 THE WITNESS: I believe that certainly the  
11 issues were dealt with. As I shared with you earlier,  
12 this was brought to the attention of the various GNET  
13 facilities management, administrators, especially the six  
14 or eight -- and I, again, forget whether it was six or  
15 eight -- that we had problems with that they needed to  
16 have immediate correction or that action would be taken  
17 for them to lose their funding.

18 Q BY MS. HAMILTON: I'm going to share another  
19 document with you, and I would like for the court  
20 reporter to mark this document as Plaintiff's Exhibit  
21 607.

22 (Plaintiff's Exhibit 607 was marked for  
23 identification.)

24 Q BY MS. HAMILTON: Mr. Winter, I am showing you  
25 Plaintiff's Exhibit 607. I am going to give you control

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1 of this document. Just take a moment to get familiar  
2 with it.

3 A I'm familiar with it.

4 Q Okay. Great. And then just for the record,  
5 this is a July 2016 e-mail chain between Larry Winter and  
6 Clara Keith with the subject line, "RE: GNETS Article,"  
7 and the Bates number on the first page is GA01486139.

8 So, Mr. Winter, just I'm going to scroll back  
9 up to the top for a moment. It looks like the  
10 original -- the initial e-mail here is from Clara Keith,  
11 and just reading what she says here, it says, "Although  
12 some of the specific details are incorrect, I believe the  
13 district has the right attitude. See article below."

14 So is it correct that Ms. Keith sent you an  
15 article here via e-mail that's entitled "Coastal Academy  
16 building closing, students to move to Risley Annex"?

17 A Yes.

18 Q And it appears, based on your response, you  
19 read this article; is that correct?

20 A Yes.

21 Q What were your views on the closure of these  
22 GNETS facilities? Sorry, what were your views on the  
23 closure of these GNETS facilities?

24 A Okay. Are we discussing the one GNET facility  
25 here?

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1 Q Yes.

2 A Okay. I applauded it. That was one of -- I  
3 told you there were six or eight that were -- didn't meet  
4 standard. And, you know, in May this came to our  
5 attention, you know, work occurred. Meetings with the  
6 local LEA people that they had a problem that they needed  
7 to fix, and they took it seriously.

8 If I remember correctly, the humor out of this  
9 one is the Risley Annex was a building they just rehabbed  
10 to move all of their administrative people into, and it  
11 was brand-new, and so they moved the students into the  
12 brand-new facility, and the administrators went -- had to  
13 go live in the subpar facilities that they had been  
14 putting students in, but they got the message that was  
15 not going to happen.

16 Q And one last question about the e-mail chain  
17 here. You make a comment at the end of your e-mail  
18 saying, "I agree with your assessment but am praying the  
19 prophecy of the boards attorney is incorrect."

20 What did you mean here where you say you are  
21 praying "the prophecy of the boards attorney is  
22 incorrect"?

23 A Okay. Well, let's go down in the -- the  
24 document. I think that it's talking about their  
25 attorney.



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1 Q Uh-huh.

2 A I think your -- well...

3 Q Yeah, and if you want, I can give you control  
4 or I can scroll down. I think there is some discussion  
5 here in the middle of the page --

6 A Yeah.

7 Q -- or top of the page about the board -- the  
8 school board's attorney.

9 A I'm having trouble connecting the pieces  
10 myself. I don't know if Mann was their school board  
11 attorney or what.

12 Q Okay. So just to make sure I understand, you  
13 don't remember exactly what you were referencing --

14 A No.

15 Q -- in regard to that statement?

16 A No, I don't.

17 Q That's fine.

18 All right. I am going to stop sharing, and I  
19 know that we've discussed Clara Keith and her role quite  
20 a bit. When you had questions or concerns about the  
21 GNETS program, were there any other people at the State  
22 Department of Education who you would reach out to?

23 A Nakeba.

24 Q Okay. And what was Nakeba's role again?

25 A To me she was supervising GNETS, and Clara

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1 was -- they were a tag team, the two of them together.

2 Q And what mode of communication did you  
3 typically use to reach out to Nakeba?

4 A A phone. I'm a phone person.

5 Q Okay. Was there anyone else at the State DOE  
6 who you would reach out to if you had questions?

7 A The answer is yes, 20 or 30 people. If I had a  
8 question, I'm -- I'm not a shy person. I just pick up a  
9 phone and call people.

10 Q Okay. So when you say if there was a question  
11 that you had about a particular issue, you would reach  
12 out to whoever you thought had the answer to that  
13 question or issue?

14 A Yes.

15 Q Did you ever reach out to Debbie Gay?

16 MR. BELINFANTE: Object to form.

17 You can answer.

18 THE WITNESS: I mean, I --

19 Q BY MS. HAMILTON: When you had questions about  
20 the GNETS program? Sorry, let me restate the question.

21 Did you ever reach out to Debbie Gay when you  
22 had questions about the GNETS program?

23 A I could have. I don't recall.

24 Q Okay. Did you ever reach out to Matt Jones if  
25 you had questions about the GNETS program?

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1           A    I could have, but my first phone call would  
2   have been to Clara until she retired or Nakeba until she  
3   was disabled.

4           Q    Okay. And what do you mean when you say when  
5   she was disabled?

6           A    She became disabled and had to leave the employ  
7   of the Department.

8           Q    Okay.

9           A    My understanding is she is still disabled.

10          Q    Okay. And I apologize. When you say  
11   "disabled," I'm not sure what you are referring to.

12          A    She's not able to work. She has a disability  
13   that does not allow her to work.

14          Q    Okay. Thank you for clarifying that.

15                Do you know when she stopped working for the  
16   State Department of Education?

17          A    I don't recall the date.

18          Q    Okay. And you said that that was Nakeba?

19          A    That was Nakeba, and I don't recall the date on  
20   Clara Keith other than it was right after she got  
21   married, for which I applauded.

22          Q    Okay. All right. I want to ask you about a  
23   few documents. Let's see. Are you familiar with the  
24   2010 GNETS audit?

25          A    I don't recall, so let's bring up the document

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1 so we can refresh our memories.

2 Q All right. It sounds like a plan. I am  
3 actually pulling that up right now as we speak.

4 So the document that I am sharing was  
5 previously marked as Plaintiff's Exhibit 284. At the  
6 outset, let me just note here that we used this  
7 previously during our depositions, not so much for the  
8 content of the cover e-mail, which I just note for the  
9 record was a communication between Debbie Gay and a  
10 non-DOE person, and she's just noting, "I have attached  
11 several documents." But the attachments are what I  
12 wanted to focus on here, one of which is the 2010  
13 performance audit, and that is attachment three.

14 And this was the copy that was produced to us  
15 by the State, so I apologize that we don't have a better  
16 quality version of this, but let me make it smaller so  
17 that you can see, and I will give you control just so  
18 that you can skim to confirm if you are familiar with  
19 this document. The document itself, I don't know the  
20 exact number of pages, but it's probably about 25, 30  
21 pages or so.

22 A Okay. I'm -- I'm seeing the document. I'm  
23 reading the document. Did I see it before? I don't  
24 know. Is it likely I was given a copy of it? Yes,  
25 because it was from the Department of Audits. And in my

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1 mind, that was an education matter, and to me that would  
2 be over the folks in the education committee.

3 Q Okay. And I guess just to confirm, the  
4 document says that this audit report was issued in  
5 October of 2010. You were -- you were on the board  
6 during that time period, correct?

7 A I was, yes. I came on the board in '05.

8 Q Okay. As a board member at the time, would you  
9 have had any role, if any, in addressing the concerns  
10 raised in the audit?

11 A To me --

12 Q And I heard a moment ago you were saying, on  
13 the budget committee your responsibilities were slightly  
14 different from the other committees, but I am just  
15 curious, in your capacity on the board, did you have any  
16 responsibilities with regard to addressing the issues  
17 raised in the audit?

18 MR. BELINFANTE: Object to form.

19 THE WITNESS: The -- the -- as I have said  
20 earlier, to me this was an education matter and would be  
21 being dealt with by the education committee at that time.

22 Q BY MS. HAMILTON: Okay. I'm going to scroll  
23 down a few pages here to the Table of Contents, and on  
24 this first page of the Table of Contents there is a list  
25 of findings and recommendations. It basically is on this

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1 one page here.

2 Were you familiar with any of the findings and  
3 recommendations that were listed here?

4 A You asked the question previously slightly  
5 differently, did I -- did I receive a copy of this?  
6 I'm -- I'm sure I did. Did I read it? I'm sure I did.  
7 To me these were education issues, and I would be  
8 counting on them and would be being educated by them.

9 Q From your vantage point being a member of the  
10 budget committee, would any of these issues here have  
11 been relevant to your role directly?

12 A Based purely on having received this document,  
13 no, but obviously by 2016 it was on my radar, wasn't it?  
14 Okay, and so from '10 to '16, at least my personal radar  
15 was increasing, and I know it was during that period of  
16 time that I was visiting some of these locations,  
17 specifically visiting the one in Cherokee County.

18 Q And there is one finding -- I did want to just  
19 point out here this one near the bottom says, GA -- "The  
20 State DOE needs to place more emphasis on program  
21 management through the development of financial and  
22 operational requirements for programs to follow."

23 Is that a finding that would have been brought  
24 to your attention as a member of the budget committee?

25 A Again, going back to the document, did I

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1 receive a copy? I'm sure I did. Given the nature of  
2 what's there, was I comfortable in my belief that that  
3 was an education matter for them to be dealing with,  
4 that's where I am. Okay, if they felt there were things  
5 that involved finance, that they weren't shy people  
6 either, so there would have been cross-communication.

7 Q And based on your recollection, you don't  
8 recall them reaching out to the budget committee with  
9 questions about --

10 A Not --

11 Q -- the findings?

12 A Not in 2010.

13 Q Okay. All right. And I'm going to show you  
14 another document. It is part of the same -- it's another  
15 attachment in this same exhibit, which is Exhibit 284.  
16 I'm going to move to attachment number two, which is here  
17 on page 23. And again, this has already been previously  
18 marked as part of Exhibit 284. The document attachment  
19 that we're looking at here is titled "Georgia Network for  
20 Educational and Therapeutic Support, Program Evaluation,  
21 Executive Summary, January 2015."

22 Mr. Winter, I think you may still have control,  
23 if you want to take a moment just to scroll through kind  
24 of the beginning of this document. I am mainly  
25 interested in whether you recognize it.

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1 A Yes, I recall it. I recall seeing it.

2 Q Okay. Let me scroll back up to the top  
3 briefly. All right, so on the first -- I guess page 2 of  
4 the executive summary, it notes here at the top, it says,  
5 "In October 2013, the Governor's Office of Planning and  
6 Budget initiated a program evaluation on the Georgia  
7 Network for Educational and Therapeutic Support Program  
8 housed within the state's Department of Education."

9 Is it your understanding that the Governor's  
10 Office of Planning and Budget created this program  
11 evaluation document?

12 A That's what it says.

13 Q How did you become familiar with this document?

14 A Obviously, I would have received a copy of it.  
15 And if we go down into the findings, part of it was the  
16 Department of Education needs to establish a dedicated  
17 program manager, and that's where we worked together with  
18 the governor to come up with Clara and Nakeba working  
19 together.

20 Q Okay. Okay. Are there any other findings -- I  
21 believe kind of these next two pages, if we can just  
22 scroll through, and if you can let me know if there are  
23 any other findings that were relevant to your work on the  
24 State Board.

25 A The --



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1 Q The second one here, uh-huh.

2 A The next one is looking at the facilities,  
3 which we have seen, okay, in dealing with that. And yes,  
4 that dealt with funding and funding formula. Again, that  
5 would have, as well, so --

6 Q And can we pause -- I just want to pause at the  
7 third one. So the first one was about the hiring of  
8 basically Nakeba's position, which we have discussed.  
9 The second one was about doing the needs assessment for  
10 the facilities, which we have discussed. The third one  
11 here that you are referring to says, "The funding formula  
12 for the program should be revised to account for  
13 differences in programs (for example low wealth  
14 districts) and to include resources for therapeutic  
15 services provided by the program."

16 So I kind of want to break that down. What  
17 funding formula is being referenced here?

18 A Well, first of all, I disagree with the  
19 foundation in your question. You made a statement that  
20 item one dealt with Nakeba. The answer was -- my  
21 response is no. The -- the --

22 Q Okay.

23 A That's where in addition to add Clara to  
24 Nakeba.

25 Q Okay. All right. So let's then go back to

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1 that, because I apologize for misunderstanding what you  
2 were saying. So this first bullet point here, which  
3 reads, "The Department of Education needs to establish a  
4 dedicated state-funded program manager position for GNETS  
5 to oversee, monitor and provide technical assistance for  
6 the program."

7 A We could quickly add that one, but we needed  
8 more help, hence, going to the governor for Clara.

9 Q Okay. So your involvement was bringing Clara  
10 Keith on board?

11 A Was sharing with the governor that we needed  
12 more resources, and by working with his team, they  
13 agreed.

14 Q Okay. Was Clara the person being referenced  
15 here as the dedicated state-funded program manager, or  
16 was that someone else?

17 A I think it was a manager. It ended up being  
18 two managers.

19 Q Okay. And if I am understanding you correctly,  
20 you are saying those two managers were Clara Keith and  
21 Nakeba Rahming; is that correct?

22 A Yes, ma'am.

23 Q All right. Thank you for clarifying that.

24 A And then the third item, yes, the funding was  
25 dealt with and looked at.

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1 Q Okay. What funding formula is being referenced  
2 here?

3 A The funding formula for children -- children  
4 generally. You know, there's -- children fit into  
5 different classifications and receive funding based on  
6 different classifications.

7 Q Is that the QBE funding formula?

8 A That's -- that's part of it. Then you get down  
9 to the very end with children with special needs and that  
10 explodes --

11 MR. BELINFANTE: Excuse me.

12 THE WITNESS: Bless you.

13 MR. BELINFANTE: Thank you.

14 THE WITNESS: That explodes you a little bit.  
15 It explodes a little bit.

16 Q BY MS. HAMILTON: I'm sorry, I didn't hear your  
17 complete statement.

18 A Okay.

19 Q Can you please repeat that, Mr. Winter.

20 A He takes you to a point, and then you get to  
21 children with disabilities, and that part of the funding  
22 formula explodes a little bit. It becomes more detailed,  
23 and I know we had discussions about that.

24 Q Okay. And when it's saying here that the  
25 funding formula should be revised to account for

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1 differences in programs, including resources for  
2 therapeutic services provided by the program, what type  
3 of revisions were being considered?

4 A Well, I know that we provided more money for  
5 therapeutic as opposed to educational services.

6 Q And why was there a focus on providing more  
7 resources for therapeutic services?

8 A I assumed because they needed more therapeutic  
9 services.

10 Q Okay. All right. I want to continue just  
11 walking through each of these bullet points. This next  
12 one here says, "Local school systems should provide DOE  
13 their funding portion of GNETS on an annual basis in  
14 order to determine the actual cost of providing these  
15 services."

16 Would you have had any role in addressing this  
17 particular finding on the budget committee?

18 MR. BELINFANTE: Object to the form.

19 You can answer.

20 THE WITNESS: Addressing, no. Receiving, yes.  
21 I would have received it through either Clara or Nakeba.

22 Q BY MS. HAMILTON: All right. Moving on to the  
23 next bullet point. As a member of the budget committee,  
24 would you have had any role in addressing --

25 A Addressing --

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1 Q -- addressing this bullet point?

2 A Addressing --

3 MR. BELINFANTE: Object to the form.

4 You can answer.

5 THE WITNESS: Addressing, no. Receiving  
6 information, yes.

7 Q BY MS. HAMILTON: Okay. And what type of  
8 information would you have been receiving?

9 A I'm going to pick on two as examples. Cherokee  
10 was the gold standard. It was almost like that we had  
11 put Clara down in Albany three days a week to help them  
12 improve their program, which she did and they did, but it  
13 was a program that was not what it needed to be. And so  
14 that was part that -- that Clara was able to do there, to  
15 come to a more common mission and vision and program. I  
16 mean, that would be the poster child for why they needed  
17 that help.

18 Q I'm going to skip down to the bullet point here  
19 that says, "The fiscal agent set-up for the GNETS program  
20 should be revisited to determine if the current process  
21 is the most effective way to administer funds provided to  
22 the program."

23 Does this particular finding implicate any of  
24 the work of the budget committee?

25 MR. BELINFANTE: Object to form.

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1           You can answer.

2           THE WITNESS: Realize that when we brought  
3   Nakeba and Clara in, we changed many things. I would  
4   believe that in revisiting how we dealt with the various,  
5   I'm going to say LEAs, but they could be groups of LEAs.  
6   And therefore, if it was a group of LEAs, it would be a  
7   administrator, that that would be dealt with. I know  
8   that again we were looking, and certainly '16 -- '15,  
9   '16, it was under a much stronger microscope.

10          Q   BY MS. HAMILTON: All right. Another finding I  
11   want to ask you about is this one here that says, "Local  
12   school systems are billing Medicaid for applicable  
13   school-based medical services; however, systems do not  
14   consistently bill the program each year."

15               Did the budget committee have any involvement  
16   with how local school systems handled billing for  
17   Medicaid?

18          A   I don't recall ever having done that.

19          Q   Okay. And are there any other findings that  
20   are listed here that were relevant to your work on the  
21   State Board --

22               MR. BELINFANTE: Object to form.

23          Q   BY MS. HAMILTON: -- that we haven't already  
24   discussed?

25          A   You know, we did talk about resources available

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1 per geographic locations. Some of our systems are very  
2 small and within the system didn't have the ability to  
3 meet the need. So -- pardon me. The -- so we had to  
4 work with providing them money to transport kids to where  
5 they could come together at a more common area where they  
6 had enough numbers to effectively educate the children.  
7 So I know we had to deal with that.

8 Q When you served on the board, were concerns  
9 ever brought to your attention about rural -- GNETS  
10 programs in rural locations having difficulty accessing  
11 any resources, specifically?

12 MR. BELINFANTE: Object to the form.

13 You can answer.

14 THE WITNESS: Only the fact that we needed to  
15 provide additional funding where they had come up with a  
16 good mechanism of bringing the kids together, but if you  
17 are having to do -- transport a child to where they can  
18 get to the services, you -- they needed additional  
19 funding for that.

20 Q BY MS. HAMILTON: Okay. Do you recall making  
21 any other -- or I should say, do you recall taking any  
22 other action with regard to the program evaluation when  
23 you served on the State Board besides what we have  
24 already discussed?

25 MR. BELINFANTE: Object to form.

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1           You can answer.

2           THE WITNESS: Not beyond what we have  
3 discussed.

4           Q BY MS. HAMILTON: All right. Thank you. All  
5 right. I'm going to transition to a new topic, but  
6 before doing so, I want to check in just to see kind of  
7 where we are at. I know we wanted to take a lunch break  
8 at some point.

9           Mr. Winter, is this a good time to take a lunch  
10 break, or do you want to continue?

11          A I think this would be a great time, and we can  
12 meet at 12:45.

13          Q All right. That works for me.

14          MS. HAMILTON: And Josh, does that work for  
15 you?

16          MR. BELINFANTE: It does. Thank you.

17          THE VIDEOGRAPHER: We are off the record --

18          MS. HAMILTON: We will reconvene at 12:45.

19          THE VIDEOGRAPHER: Sorry. We are off the  
20 record at 12:11 p.m.

21               (The deposition was at recess from 12:11 p.m.  
22 to 12:48 p.m.)

23          THE VIDEOGRAPHER: We are back on the record at  
24 12:48 p.m.

25          Q BY MS. HAMILTON: Mr. Winter, I wanted to



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1 circle up and ask you a few follow-up questions from  
2 topics raised prior to the break, and then we will pick  
3 back up with some new questions.

4 One of the things that we discussed earlier  
5 were some of the programs that you visited in your  
6 district, and you mentioned that you had visited the  
7 Cherokee program. When you visited the Cherokee program,  
8 was it before or after Cherokee had ended its  
9 relationship with the GNETS program?

10 A Before.

11 Q And you had also mentioned that Cherokee was  
12 seen as the gold standard and people would come there to  
13 learn techniques. How did you know about the fact that  
14 people were often coming to that program to learn  
15 techniques?

16 A By going and visiting it myself and meeting  
17 people from Belgium and France that were there to learn,  
18 and finding out what a coveted position it was to come  
19 there.

20 Q Do you know when Cherokee ended its  
21 relationship with the GNETS program?

22 A A specific date, no, I don't.

23 Q Okay. Do you know a general time frame when it  
24 ended its relationship?

25 A No.

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1 Q Okay. Also you had mentioned that you had  
2 received feedback from students saying that some of the  
3 GNETS programs in your district were rated well. Where  
4 did you get that feedback -- or yeah, where did you get  
5 access to that feedback?

6 A If I said students, please forgive me. I meant  
7 parents.

8 Q Okay. All right. So where did you get access  
9 to the parent feedback that had rated those GNETS  
10 programs fairly well?

11 A Unfortunately, I'm rather well-known within my  
12 community, so people finding me and knowing me is not a  
13 very difficult thing to do.

14 Q Would you often get feedback then just from  
15 parents coming up to you or reaching out to you directly?

16 A Yes.

17 Q Did you ever administer surveys to parents to  
18 get feedback?

19 A No.

20 Q And how long ago did you receive that parental  
21 feedback about the -- about their views on the GNETS  
22 programs?

23 A I'm guessing '18, maybe '19.

24 Q And just to be clear, when you say '18 or '19,  
25 are you referring to 2018 and 2019?

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1 A Yes, ma'am.

2 Q Okay. Thank you.

3 Before the break we had also discussed the 2010  
4 GNETS audit, and you had testified that it was not a  
5 document that you remembered in detail or had spent much  
6 time reviewing. One finding that I wanted to circle back  
7 to, though, was a finding that said that there wasn't  
8 data verifying whether GNETS was cost-effective. And I  
9 am just curious from your role having served on the  
10 budget committee, were you ever asked to examine whether  
11 GNETS was a cost-effective program?

12 MR. BELINFANTE: Object to the form.

13 You can answer.

14 THE WITNESS: I can't recall when I was.

15 Q BY MS. HAMILTON: Okay. And -- and I guess  
16 maybe clarifying that a little bit more. Let me break it  
17 up into two questions. In connection with the 2010 GNETS  
18 audit, were you ever asked to verify whether GNETS was a  
19 cost-effective program?

20 A I don't recall being asked.

21 Q Okay. And then more generally, have -- when  
22 you were on the budget committee, did the budget  
23 committee ever examine whether GNETS was a cost-effective  
24 program?

25 MR. BELINFANTE: Object to the form.

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1           You can answer.

2           THE WITNESS: I don't recall us ever doing  
3 that. I think that our discussions were more along the  
4 lines of, was it effectively meeting the needs of  
5 students.

6           Q BY MS. HAMILTON: Okay. What metrics were you  
7 all using to determine whether the GNETS program was  
8 effectively meeting the needs of students?

9           A The almost --

10          MR. BELINFANTE: Object to form.

11          You can answer.

12          THE WITNESS: Pardon. Thank you.

13          The almost monthly reports that I was getting  
14 from Nakeba and her team, including Clara.

15          Q BY MS. HAMILTON: When you say "monthly  
16 reports," what was -- what was the format of these  
17 monthly reports?

18          A I'm a verbal person, so they would have been  
19 verbal.

20          Q Okay.

21          A Along the lines of, how are we doing, or us  
22 passing each other in the hall or meeting with each other  
23 if they had an item to come before budget, we would ask  
24 those questions or I would ask those questions.

25          Q Did you have formally scheduled meetings with

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1     Wakeba and Clara?

2             A     Not beyond my -- being in the Department for  
3     three days each month.

4             Q     And when you say not beyond you being in the  
5     Department three days a month, when you were in the  
6     Department, did you have more formal meetings with --  
7     with them -- with -- sorry, with Wakeba and Clara?

8             A     Formal, no.

9             Q     And then a moment ago, it sounds like you said  
10    you did have informal encounters with both of them; is  
11    that correct?

12            A     Informal, yes.

13            Q     Okay. Were there reoccurring questions that  
14    you raised with Wakeba and Clara pertaining to the GNETS  
15    program?

16            A     Yes, in terms of Albany. That was one that I  
17    would have talked to on numerous occasions with Clara.  
18    The issue relative to facilities seemed to clear up  
19    within a brief, say, three-, four-month period of time.

20            Q     And I apologize, I didn't hear the first -- you  
21    said the issue pertaining to Albany?

22            A     The Albany GNETS program.

23            Q     Okay. And can you please remind me what the  
24    issue was with the Albany GNETS program? Was this a  
25    facility issue?

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1 A No. This was a general effectiveness of the  
2 program issue, as well as facilities.

3 Q Okay. And what was the -- and I apologize if  
4 you had raised this earlier, but what was the general  
5 concern with the program, with the Albany program?

6 A Leadership, starting at the superintendent  
7 there.

8 Q Okay. What particular issues pertaining to the  
9 Albany program did you bring to the attention of Nakeba  
10 and Clara?

11 A It's the other way around.

12 Q When you say it's the other way around, what do  
13 you mean?

14 A They brought them to me.

15 Q Okay. What were the issues that they brought  
16 to your attention about the Albany program?

17 A The impact of the lack of leadership on the  
18 program.

19 Q And can you please say more -- when you say  
20 lack of leadership, what do you mean by "lack of  
21 leadership"?

22 A That that superintendent and the key members of  
23 his team seem to be unplugged.

24 Q I'm sorry, did you say unplugged?

25 A Yes.

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1 Q Did they have any concerns about the GNETS  
2 director for the GNETS program in the Albany area?

3 A Might have. I don't recall that. What I do  
4 recall was with the superintendent coming down, and  
5 hence, Nakeba -- pardon me -- Clara there two, three days  
6 most weeks for some period of time to get everybody's  
7 attention and turn things around.

8 Q What would have been the superintendent's role  
9 with regard to the GNETS program -- I guess I should say  
10 with regard to leadership impacting the GNETS program for  
11 Albany?

12 A Okay. Well, leadership functions, everything  
13 starts at the top, doesn't it?

14 Q I'm -- I'm curious to hear that from you.

15 A That would be my statement.

16 Q Okay. And so their concern was that the  
17 superintendent wasn't providing leadership, and that  
18 impacted the GNETS program?

19 A Yes.

20 Q Okay. What was the general time frame for  
21 these concerns that they brought to your attention about  
22 the Albany program?

23 A '15, '16, '17. It was -- it was a brief but  
24 strong period of time that Clara was there. It was  
25 recovered, my memory says, prior to her getting married

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1 and resigning, so it was effective, but it was very  
2 intense over more than a month or two.

3 Q Okay. When they -- when they brought these  
4 concerns to your attention, what, if any, steps did you  
5 then take as a State Board member?

6 A Well, I shared with them that they had the  
7 right to come to budget and thus the board to effect the  
8 funding of Albany, and they could communicate that to  
9 him.

10 Q Okay. Did Nakeba or Clara follow your  
11 recommendation to bring this issue to the board?

12 A They got his attention. I wasn't in the room  
13 when they talked.

14 Q Do you know the name of the GNETS program that  
15 served the Albany community?

16 A I don't recall.

17 Q How are the issues resolved with respect to the  
18 Albany -- the program that was in Albany?

19 A Evidently, they made sufficient changes within  
20 the program to improve the quality that Nakeba and Clara  
21 were both comfortable, and they were not easily fooled by  
22 anybody.

23 Q Okay. I'm going to switch gears now and talk  
24 to you about the GNETS strategic plan. And I'm going --  
25 are you familiar with the GNETS strategic plan?



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1           A    Well, since I'm sure it's a document, it's  
2 going to be best if you show it to me, and then I can  
3 answer your question.

4           Q    I am just right now just generally curious if  
5 you are familiar with a document that has been referred  
6 to throughout the -- just in general, the name the GNETS  
7 strategic plan?

8           A    Well, what would cause me to have my mind  
9 refreshed would be seeing it. Beyond that right now, my  
10 answer is, I -- I don't recall.

11          Q    Okay. So I wanted to ask you, there is a  
12 communication where you are discussing the strategic  
13 plan, and so I am trying to get at what you all are  
14 talking about here. I am sharing an e-mail that was  
15 previously marked as Plaintiff's Exhibit 77. This was an  
16 e-mail that was sent on May 12th, 2016 from Larry Winter  
17 to Matt Jones, Mike -- and Mike Royal and Clara Keith,  
18 and then Debbie -- I apologize if I am not saying her  
19 name correctly, but Debbie Caputo was copied this e-mail.  
20 The subject line is "GNETS," and the Bates number is  
21 GA00197127.

22                   This is a one-page document, but Mr. Winter, I  
23 am just going to give you a chance to read it. Let me  
24 know when you are ready.

25          A    I have read the document.

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1 Q Okay. Mr. Winter, this is an e-mail that you  
2 sent to Matt Jones, Clara Keith, and Mike Royal; is that  
3 correct?

4 A Yes.

5 Q And I know we've talked about Clara Keith.  
6 What was Matt Jones's position?

7 A Chief of staff to the superintendent.

8 Q Okay. And I know we talked about Mike Royal.  
9 What was Ms. Debbie Caputo's position?

10 A She was the secretary of the State Board.

11 Q Okay. And then it looks like in the body of  
12 the e-mail you were asking Ms. Caputo to forward the  
13 e-mail to Debbie Gay and Nakeba Rahming. What was Debbie  
14 Gay's position?

15 A She was involved in federal programs, I think,  
16 or special ed, one or the other.

17 Q Okay. All right. So in the next sentence that  
18 follows here, it says, "First of all, thanks to all --  
19 thanks to all of you for your work on the GNETS Strategic  
20 Plan," and I -- I'm trying to get at what -- what entity  
21 GNETS strategic plan? What were you referencing here,  
22 Mr. Winter?

23 A Evidently the document that I read.

24 Q Do you remember any details about the GNETS  
25 strategic plan?

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1           A    Specifically under that label, no, other than,  
2   you know, we're -- we're looking in May of '16.  
3   Obviously, people are concerned and looking for  
4   improvements, so I would assume from the paragraph that  
5   that strategic plan was working on how to improve the  
6   GNETS program in Georgia.

7           Q    And you also say here in this next paragraph,  
8   "By way of preparation for tomorrow's meeting," what  
9   meeting would you have been referring to?

10          A    Well, I don't know what day of the week  
11   May 12th is, so I -- you know, if this was a Tuesday,  
12   then Wednesday would be -- we would be getting committee  
13   meetings at the State Board.

14          Q    Okay. And then it looks like here you then  
15   proceed to ask a number of questions about the strategic  
16   plan, and I'd like to walk through some of those  
17   questions.

18                So this next sentence here, you say you -- you  
19   note here that you understand the strategic plan to be  
20   more of a "coaching tool rather than an instrument to  
21   monitor compliance or effectiveness of program  
22   practices," but then you proceed to ask whether there is  
23   "a document that outlines the role of the DOE GNETS staff  
24   in assuring quality and compliance with Georgia's plan at  
25   the GNETS level?"

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1 Do you see the language that I just read here,  
2 Mr. Winter?

3 A Yes.

4 Q Why were you inquiring whether there was a  
5 document that outlined the role of the DOE GNETS staff in  
6 assuring quality and compliance with Georgia's plan at  
7 the GNETS level?

8 A I would assume it's because I have an inquiring  
9 mind, and I'm used to dealing with bureaucracies, and so  
10 I like to see things laid out.

11 Q Did you have any concerns about the State DOE  
12 having a mechanism for assuring quality and compliance  
13 with Georgia's plans --

14 A No. Pardon me?

15 Q I'm sorry, you can go ahead.

16 A Not with Clara and Nakeba.

17 Q And when you say "not with Clara and Nakeba,"  
18 you are saying you didn't have any concerns that you were  
19 raising with Clara and Nakeba --

20 A No.

21 Q -- about that issue?

22 A They were the staff that was there, and I had  
23 no concerns with them, but I was looking down the road.

24 Q Okay. So to make sure I understand, you were  
25 trying to get a better sense beyond or besides Clara and

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1     Nakeba whether there is a document outlining the role of  
2     DOE GNETS staff --

3             A     Yes.

4             Q     -- pertaining to this?

5                     Okay. What response, if any, did you get to  
6     your question?

7             A     I don't recall. I'm not somebody that gives up  
8     easily, so I would have expected that I receive answers  
9     with which I was satisfied.

10            Q     Okay. Do you remember whether this document  
11     existed?

12            A     What document?

13            Q     You were asking whether there was a document  
14     that outlined the role of the DOE GNETS staff as noted  
15     here. Did such a document exist?

16            A     I don't know. I don't recall.

17            Q     So you don't recall if you received a copy of  
18     that document?

19            A     I don't recall.

20            Q     All right. So moving further down -- let me  
21     see if I can find the line here. You ask, "Do we have an  
22     outline of what a recommended treatment program at the  
23     local level will look like?"

24                     Why were you inquiring about whether there was  
25     an outline of what a recommended treatment program at the

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1 local level looked like?

2 A Well, again, in the document that we reviewed  
3 earlier from the Governor's Office, that was one of the  
4 items that was discussed, and I know that one of my LEAs,  
5 Rome, for example, did not have a -- a treatment program,  
6 and so I was very interested in us making sure that that  
7 was available across the state. So that would have been  
8 the question. And, you know, do I recall the exact  
9 answer? Obviously not.

10 Q Okay. And what did you mean when you used the  
11 term "recommended treatment program"?

12 A Well, I'm referring in my mind back to the  
13 governor's program, that when we are dealing with more  
14 than merely the educational issues but some of the  
15 educational and behavioral issues as well.

16 Q Okay. And also a little further down here, you  
17 have another question where you ask if there is an  
18 outcome-based monitoring plan for each location for DOE  
19 to monitor the effectiveness of treatment at each GNETS  
20 program.

21 Why were you inquiring about whether there was  
22 an outcome-based monitoring plan for each GNETS location?

23 A Because Cherokee had one, and I thought it was  
24 a good idea to see them everywhere.

25 Q And what exactly is an outcome-based monitoring

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1 plan?

2 A Well, from an accountant's perspective, it's  
3 where you're measuring how successful are you with what  
4 you are doing.

5 Q And who would benefit from there being an  
6 outcome-based monitoring plan for the GNETS program?

7 A Well, again, as I'm an accountant, if you can't  
8 measure it, you don't know what you've done.

9 Q Would the State Board have had any reason to --  
10 let me reframe that.

11 Would the State Board have had any reason to  
12 want the GNETS programs to develop outcome-based  
13 monitoring plans?

14 A Per se, no. I think we were interested -- oh,  
15 no. I won't speak for the board. I will speak for  
16 Larry. I was interested to make sure that we had a  
17 program that was effectively meeting the needs of  
18 students.

19 Q Did you learn whether or not the other program  
20 did have outcome-based monitoring plans?

21 A I learned that some did not, and I don't recall  
22 at this point in time which ones did or did not.

23 Q Okay. You also ask here in the next question,  
24 "Have we discussed the staffing of DOE's GNETS department  
25 to deal with treatment?"

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1           Why were you inquiring about whether there had  
2       been discussions about the staffing of DOE GNETS  
3       department to deal with treatment?

4           A     Based on the earlier question of mine of  
5       dealing with treatment, if you want -- if you want  
6       something to happen, you are gonna at times have to have  
7       staffing.

8           Q     And were there particular staff who you felt  
9       were necessary to have on staff to deal with treatment at  
10      the GNETS programs?

11          A     I was asking questions to learn, not to  
12      prescribe.

13          Q     Uh-huh. Based on any feedback you may have  
14      received, did you learn of any particular positions that  
15      were -- that were important for the GNETS programs to  
16      have available on staff to deal with treatment?

17          A     I don't recall.

18          Q     And then the last part of this paragraph here,  
19      you note that, the strategic plan document refers to a  
20      State-approved budget, and you asked for an example as to  
21      what this budget document would look like.

22                 Why were you inquiring about the budget  
23      document referenced in the strategic plan?

24          A     Well, because the strategic plan referred to a  
25      State-approved budget, and so what's it going to look



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1 like?

2 Q Uh-huh. Did you understand the reference to  
3 State-approved budget to be the -- like money that's  
4 allotted to the GNETS program by the General Assembly and  
5 Governor's Office or -- or something totally different?

6 A To me, it would be a State-approved budget of  
7 the GNETS approved by the State Department of Ed. That's  
8 my reading of that sentence today.

9 Q Okay. Did you receive an example of the budget  
10 document that you were requesting at the time?

11 A I don't recall.

12 Q So in light of all of the questions that you  
13 asked, did you use any of this information at the State  
14 Board meeting? I think you said that was going to be  
15 happening -- I guess happening the next day?

16 A I don't know what I received, you know, that  
17 night before the next day.

18 Q Uh-huh. How -- I guess because you did ask a  
19 number of questions, and I imagine that you have done  
20 this in other contexts as well, how do you typically use  
21 this information that's provided to you -- if it's  
22 provided in advance, how do you use this information  
23 during the State Board meeting?

24 A It's a filter for what you hear. The more  
25 information you have, the better decisions you make.

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1 Q Do you recall whether the State Board provided  
2 any feedback on the GNETS strategic plan?

3 A I -- I don't recall, because normally when you  
4 use the word "feedback," you are looking for a written  
5 response, was there verbal feedback or things like mine.  
6 You know, I can't speak for anybody else, but obviously I  
7 was asking questions.

8 Q Uh-huh. Did the State Board take any other  
9 action with respect to the strategic plan at the time?

10 A On those days, I don't recall. I would need to  
11 go refresh my -- my memory.

12 Q And then for you as an individual board member,  
13 beyond asking these questions, did you provide any  
14 feedback on the GNETS strategic plan?

15 A Well, I'm hopeful that I got some answers to  
16 the questions, but I don't recall. Again, I'm a verbal  
17 person by and large, and I'm not shy.

18 Q And I guess this is just a question because I  
19 don't know that you had any disagreement, but I'm just  
20 curious from a process standpoint, if you had disagreed  
21 with anything that was in the GNETS strategic plan, as a  
22 board member, are there any steps that you can take to --  
23 to share -- to share those concerns?

24 A Certainly. You can discuss it at our meetings.  
25 Our meetings, especially back there in '16, were very

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1 open and good discussions took place. You -- you didn't  
2 have any fear of not -- not answering questions or get --  
3 getting questions answered.

4 Q Okay. And for a document like the strategic  
5 plan, does the State DOE have to adopt the  
6 recommendations made by the State Board?

7 A Well, realize, first of all, we are talking  
8 about a document that I have not seen because I don't  
9 recall it, so I think that -- that question is too much  
10 out there for me to respond to it.

11 Q I'm going to move on to another document here  
12 that I would like for the court reporter to mark as  
13 Plaintiff's Exhibit 608.

14 (Plaintiff's Exhibit 608 was marked for  
15 identification.)

16 Q BY MS. HAMILTON: Mr. Winter, I am now showing  
17 you Plaintiff's Exhibit 608. This is a July 23rd, 2016  
18 e-mail from Larry Winter to Clara Keith with a subject  
19 line, "GNETS student files memo." The Bates number  
20 here -- it's a one-page document. The Bates number here  
21 is GA00197256.

22 I will give you a moment to read that. It  
23 probably won't take you very long.

24 A Okay.

25 Q And then let me know when you are ready.

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1 A Ready.

2 Q Okay. So basically this e-mail only -- as I  
3 said, the subject line says "GNETS student files memo,"  
4 and the one sentence here that you wrote to Ms. Keith  
5 says, "I just received and read a copy of the memo and  
6 was interested in your take."

7 Do you know what a GNETS student files memo,  
8 like what -- what document that is?

9 A No.

10 Q Do you know what memo you are referring to here  
11 in this e-mail?

12 A No. Obviously, I was sent a memo. I read it.  
13 Clara had a copy of it, and I asked for her opinion on  
14 what was in it. Beyond that, I don't know.

15 Q And I know a lot of the topics that you said  
16 that you handled focused more on budget. Do you know  
17 just generally why you might have received a copy of a  
18 memo pertaining to student files?

19 A No.

20 Q Would that surprise you that you had reviewed a  
21 memo pertaining to student files looking back at this  
22 e-mail?

23 A Very little in State government surprises me.

24 Q Okay. So how would reviewing a memo on student  
25 files relate to your -- your particular work on the

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1 board?

2 A I have no idea because I don't know what's in  
3 the memo that you and I are discussing.

4 Q And I guess relatedly, to the extent that you  
5 received a memo -- it's not attached to this e-mail, so I  
6 don't have the memo myself -- why would you have reached  
7 out to Clara Keith to get her take on the memo?

8 A If it dealt with GNETS, she was my go-to  
9 person, she and Nakeba.

10 Q Okay. All right. I am going to share another  
11 document.

12 MS. HAMILTON: All right. So I'd like for the  
13 court reporter to mark this next document as Plaintiff's  
14 Exhibit 609.

15 (Plaintiff's Exhibit 609 was marked for  
16 identification.)

17 Q BY MS. HAMILTON: Mr. Winter, I am now showing  
18 you Plaintiff's Exhibit 609. This is an e-mail chain  
19 that also has an attachment from the time period of  
20 March to April 2017. The subject line says, "Forward:  
21 Georgia System for Special Needs Students Fails to  
22 Provide Equal Education - The Atlantic." And the Bates  
23 number for the first page of this document is GA00198610.

24 I'm going to give you control since this is a  
25 few pages here, and let me know when you've had a chance

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1 to -- to scroll through.

2 A Okay.

3 Q Okay. So I wanted to start at the bottom of  
4 this e-mail chain with the initial e-mail, and this looks  
5 like an e-mail from Scott Johnson to several individuals  
6 who appear to be on the State Board.

7 Who is Scott Johnson?

8 A He's a member of the State Board.

9 Q Okay. And is it accurate that the individuals  
10 listed here on the "to" line, that all of these  
11 individuals are also State Board members?

12 A Correct.

13 Q Okay. So in this original e-mail there is an  
14 article link. Are you familiar with the article that's  
15 referenced here?

16 A Not as we sit here today. Obviously, I  
17 received it. Obviously, I read it.

18 Q And do you see here where the article link is  
19 for theatlantic.com, and it has here, like the title of  
20 the article being, "The Separate, Unequal Education of  
21 Students With Special Needs 2017"?

22 A I see that on the page.

23 Q Okay. I'd like to show another document.

24 MS. HAMILTON: All right. So this next  
25 document that I have up, I'd like for the court reporter

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1 to mark as Plaintiff's Exhibit 610.

2 (Plaintiff's Exhibit 610 was marked for  
3 identification.)

4 Q BY MS. HAMILTON: And Mr. Winter, I am showing  
5 you Plaintiff's Exhibit 610. As you can see here, here  
6 is an e-mail -- I'm sorry, an article link that is very  
7 similar to the article link that we were just looking at  
8 a moment ago, and the top of the page -- this is from The  
9 Atlantic, and the title is, "The Separate, Unequal  
10 Education of Students With Special Needs" from  
11 March 2017.

12 Do you recognize this article? And I can give  
13 you control --

14 A I don't --

15 Q -- if you want to scroll through.

16 A -- recognize it, no.

17 Obviously, I read it or I wouldn't have  
18 responded to it.

19 Q Okay. All right. So if you read it,  
20 Mr. Winter, what was the article about?

21 A I'm reading it now again.

22 Q Okay. Let me know when you are ready.

23 MS. HAMILTON: And just for the court reporter,  
24 I meant to note that the first page of the document is  
25 Bates stamped US0003633. It was a document produced by

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1 the United States in response to the State's request for  
2 production of documents.

3 THE WITNESS: Okay. I've reread the article.

4 Q BY MS. HAMILTON: Okay. And so I guess I'm  
5 just curious at a high level, what -- what is this  
6 article about?

7 A Well, it's obviously a -- a parent's crying out  
8 for their child.

9 Q And in reading the article then and now, what  
10 is your understanding of like what the article is saying  
11 about the GNETS program?

12 A Well, first of all, it's focused on this one  
13 child. We're not in any way diminishing what the parents  
14 are saying, but my questions always then are, okay, what  
15 are the other stories that are not in the article? Hence  
16 my memo to -- to Clara to gain more information.

17 Q Okay. All right. And I want to return back to  
18 that e-mail that we were discussing a moment ago, which  
19 would have been Exhibit 609. So right before we went to  
20 the article, we were discussing that Scott Johnson had  
21 sent a link to the article to various board members.  
22 This next e-mail -- and I believe this is what you were  
23 just referring to, Mr. Winter, is an e-mail from you to  
24 Ms. Keith. And if I am reading this correctly, you say  
25 here, "After you read it (you probably have), let's



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1 talk."

2 Am I reading that correctly?

3 A Yes.

4 Q And were you referring to The Atlantic article  
5 as well?

6 A Since it's part of that chain, the answer is  
7 yes.

8 Q Okay. So then Ms. Keith responds to your  
9 e-mail, as we continue to go through the e-mail chain,  
10 and she copies Nakeba Rahming and she writes,  
11 "Mr. Winter, I think the attached summary provides an  
12 update on some of the progress made in GNETS. Nakeba and  
13 I" will try -- "and I have tried to provide some details  
14 on the key issues. Let us know if you have any  
15 questions."

16 Do you see this here in the middle of the page?

17 A I do.

18 Q Okay. Great. So why did you reach out to  
19 Ms. Keith about the article?

20 A Well, when I receive information that I need to  
21 know more about, I reach out to people. We have already  
22 discussed that. She and Nakeba are the two people that I  
23 would reach out in terms of GNETS, and so that's why I  
24 went to them.

25 Q And when Ms. Keith says here that she prepared

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1 an attached summary, did you ask her to prepare a  
2 summary?

3 A No.

4 Q So let's finish going through this e-mail chain  
5 here. So this last e-mail is from you to, it appears, a  
6 number of the board members with Clara Keith and Nakeba  
7 copied, and the language here says, "To all. I felt a  
8 response and update to The Atlantic article was  
9 appropriate and asked Clara and Nakeba to do so."

10 Do you see that?

11 A I do.

12 Q Okay. So based on what you have here, you did  
13 ask Clara and Nakeba to draft a response, an update; is  
14 that correct?

15 A Okay. The answer is yes. However, I think  
16 we're missing an important sentence that precedes that,  
17 okay? And that is the sentence, "Mr. Winter" -- second  
18 sentence, "Nakeba and I tried to provide some details."  
19 To me, that indicates that perhaps the writer of the  
20 article was not willing initially to accept additional  
21 information. That -- anyway, so that's how I am reading  
22 it.

23 So my response, again, reading it today, is, go  
24 back to them and -- and give this response.

25 Q Okay. And that actually was going to be a

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1 question I wanted to ask you. When you say here you felt  
2 a response and update to the article was appropriate, who  
3 was the target audience -- or, I guess, what was the  
4 target audience that you envisioned needed the response  
5 and update?

6 A The people who wrote The Atlantic article to  
7 see if they would do a follow-up with the information  
8 from the Department.

9 Q So if we turn to the attachment, so this was a  
10 cover e-mail, and then there is an attachment to the  
11 cover e-mail, and there is a one-page document that  
12 follows. Mr. Winter, is this the type of response that  
13 you were envisioning could be provided to the individuals  
14 who wrote the article?

15 A Let me read it first.

16 Q Okay. And let me know if you are not able to  
17 manipulate the page. Let me know and I can -- there you  
18 go.

19 A Okay.

20 Q Circling back to the question I asked a moment  
21 ago, the -- who was the target audience for this  
22 particular response and update?

23 A Well, in -- in my mind or in Clara's? I can't  
24 speak for her.

25 Q I guess starting with you.

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1 A Okay. In my mind --

2 Q Who did you envision it being?

3 A In my mind, this is a critique both positive  
4 and negative about The Atlantic article, and she brings  
5 up some points about things that are being done. And so  
6 that's good information for me, and at the same time  
7 there are items that were not in The Atlantic article,  
8 and I think that would be a good thing for that reporter  
9 to understand as well.

10 Q Okay. So it sounds like from what you are  
11 saying, there actually could have been dual -- multiple  
12 purposes for this particular document?

13 A That's my take from reading it.

14 Q Okay. All right. Well, let's look at the  
15 substance of this document, and it opens by noting that  
16 the article raises three key points: long-term placement  
17 of students, the quality of classroom instruction, and  
18 providing appropriate therapeutic services.

19 Do you see that?

20 A Yes.

21 Q And then it goes on to state that, in addition  
22 to addressing the three key points mentioned in the  
23 article, the GA DOE project management plan also  
24 addresses program administration, monitoring facilities  
25 and funding, which all align with the GNETS strategic

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1 plan.

2 Do you see that as well?

3 A I do.

4 Q Okay. So just to make sure we are on the same  
5 page, we discussed the GNETS strategic plan briefly  
6 earlier; is that correct?

7 A Yes.

8 Q Okay. But there's reference here to a GaD --  
9 to a GaDOE project management plan. What is the GaDOE  
10 project management plan referenced here?

11 A I don't recall without seeing it.

12 Q Okay. And I don't believe that that was copied  
13 to this document. Do you remember if you received a copy  
14 of the project management plan?

15 A You are very kind in believing that I  
16 remembered every one of the 500 documents I received  
17 every month for 14 years. That's why I have to refresh  
18 my memory by seeing them again.

19 Q That's understandable.

20 So you don't remember who would have created  
21 the documents?

22 A No. I mean, I don't recall. The people that  
23 were in charge of the project were Nakeba and Clara.

24 Q And here it says that the project management  
25 plan was intended to align with the GNETS strategic plan.

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1 Do you remember whether that is consistent with anything  
2 you remember about the project management plan?

3 A No. Again, looking at -- I'm going to need to  
4 see the document to be able to recall the document. I  
5 will state that the work of Clara and Nakeba was always  
6 very good. They did not do insufficient job work.

7 Q All right. Well, continuing to work down the  
8 document that we are looking at, as noted, there were  
9 three key points that were discussed here; the first  
10 pertained to the long-term placement of students.

11 What was the issue that the State DOE was  
12 trying to address? And again, I'm just going off of  
13 what's here on the page. What was the issue that the  
14 State DOE was trying to address pertaining to long-term  
15 placement of students in GNETS?

16 MR. BELINFANTE: Object to form.

17 THE WITNESS: Okay, you lost me in the  
18 question. Please repeat it.

19 Q BY MS. HAMILTON: Sure. So this document that  
20 was provided to you by Clara notes that there are three  
21 key points that are being summarized, and it's saying  
22 that the information -- let me show you here. "The  
23 information below provides a brief update on the progress  
24 of the article's key point."

25 So one of the key points that was flagged was

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1 long-term placement of students, and I'm trying to better  
2 understand, what was the issue that the State DOE was  
3 trying to address pertaining to long-term placement of  
4 students in GNETS?

5 A You are saying that DOE or the State Board?

6 Q The DOE.

7 A Okay. Well, taking the words at face value,  
8 you know, long-term placement is something that need --  
9 needed to be evidently looked at and that this proposed  
10 rule is going to be dealing with that.

11 Q As a board member, were you aware of any  
12 concerns regarding the length of placement of GNETS  
13 students beyond the information that's provided here?

14 A To some extent in updates that we had been  
15 receiving beginning in '16 and '17.

16 Q What were those concerns?

17 A Again, a student being there too long or that  
18 not sufficient progress was being made. Sometimes it  
19 could be because of issues within the child's life and  
20 environment, and sometimes it could be ineffectiveness on  
21 the part of the people delivering services.

22 Q Okay. And I know here it says the State DOE is  
23 addressing this issue through the proposed GNETS rule.  
24 As a board member, was it your understanding that  
25 provisions of the GNETS rule would address the issue of

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1 long-term placement of students?

2 A Clara is saying that in the memo. I don't  
3 recall beyond that.

4 Q So based on your independent knowledge as a  
5 board member, did you have any understanding that the  
6 provisions of the GNETS rule would have addressed the  
7 issue of long-term placement?

8 A I --

9 MR. BELINFANTE: Object to form.

10 THE WITNESS: I would need to see the proposed  
11 rule. I would be shocked if Clara told me that something  
12 was included that -- that was not.

13 Q BY MS. HAMILTON: Okay. And just based on your  
14 experience as a board member, did you feel that any of  
15 these proposed solutions listed here would be effective  
16 in addressing the issue of long-term placement of GNETS  
17 students?

18 MR. BELINFANTE: Object to form.

19 THE WITNESS: Okay. Realize again, my area of  
20 expertise is accounting, finance and so on. Everybody  
21 worked real hard to help educate me, but it was outside  
22 my areas of expertise. Was I interested because I'm a  
23 board member and a human being and one could say I had  
24 two special ed kids for at least a period of time, yes.  
25 But were these my areas of expertise, no.



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1 Q BY MS. HAMILTON: That's understandable. And I  
2 guess, Mr. Winter, just to make sure I understand just  
3 how the State Board operates, I know you served on the  
4 budget committee. When you all had your formal monthly  
5 meetings, did you only vote on budget-related topics?

6 A No. That's the purpose of the committee of the  
7 whole, is for the other committees to educate us. But in  
8 any legislative process, you have to rely on your  
9 colleagues unless, you know, you -- you doubt the  
10 information that they are providing to you.

11 Q So then at the formal meetings, you  
12 participated in voting on -- on all of the topics that  
13 were presented to the board; is that correct?

14 A Unless the minutes were called that I chose not  
15 to.

16 Q And how frequently did you choose not to vote  
17 on particular items presented to the board?

18 A Not very often.

19 Q Okay. What would be the circumstances under  
20 which you would have opted to not vote on a particular  
21 board item?

22 A That I felt that I had a conflict or that I  
23 didn't have sufficient information to vote.

24 Q All right. I want to move on to the next key  
25 point that was noted here in this document pertaining to

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1 quality of classroom instruction.

2 So again, Ms. Keith presented all of this  
3 information in providing an update about what the -- what  
4 the State DOE was doing to address the concerns that were  
5 raised. Were you aware of any of these concerns  
6 regarding the quality of instruction in the GNETS  
7 program?

8 A From time to time I would hear individual  
9 little pieces, and the two that I had heard from were  
10 Albany and Valdosta.

11 Q And I know when we talked earlier about Albany,  
12 you had flagged that there were concerns about the  
13 leadership impacting the GNETS program in Albany. What  
14 were the concerns that were raised pertaining to the  
15 quality of classroom instruction?

16 A Just that.

17 Q And when you say "just that," what are you  
18 referring to?

19 A Quality of classroom instruction being affected  
20 by all that preceded it.

21 Q And I apologize, I -- I don't understand the  
22 answer. You are saying all that preceded?

23 A If your leadership pyramid isn't working, how  
24 do you really expect effectiveness of the people doing  
25 the work?

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1 Q And then you also mentioned Valdosta having  
2 similar issues, but I -- I don't want to put words in  
3 your mouth there. What were the instructional issues  
4 that were brought to your attention?

5 A That they had instructional issues based on a  
6 conversation that again Clara and Nakeba had with them.  
7 They changed out their directors and turned the program  
8 around very quickly.

9 Q Okay.

10 A And remember, eventually, the folks in Albany  
11 turned it around, too.

12 Q Okay. And similar to the question I asked with  
13 the other item above, based on your experience as a board  
14 member, are there any particular proposed solutions here  
15 that you considered effective in addressing quality as an  
16 instruction issue?

17 A By and large that would be outside my area of  
18 expertise. We had 12 people that understood education  
19 very well and one loan accountant. Ultimately, we got 2  
20 accountants and 11 education people.

21 Q And who was that person?

22 A For a while it was somebody from a utility and  
23 before her somebody from Home Depot.

24 Q And they were serving as board members?

25 A Yes.

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1 Q Okay. And then this last point here, it says  
2 appropriate therapeutic services. And, you know, again,  
3 similar to the questions that I asked with regard to the  
4 other key points here, had any concerns been brought to  
5 your attention regarding the appropriateness of GNETS  
6 therapeutic services --

7 MR. BELINFANTE: Object to form.

8 Q BY MS. HAMILTON: -- while you were a board  
9 member?

10 A Well, the one that I shared with you was the  
11 fact that Rome did not have any therapeutic services in  
12 theirs.

13 Q If you can remind me, how did that issue get  
14 resolved with the GNETS program in Rome?

15 A I don't recall. I know a lot of work was being  
16 done on PBIS and so on across the state, and but as to  
17 Rome's outcome, I don't recall.

18 Q Okay. And again, similar to the questions that  
19 I asked you for the other key points, based on your  
20 experience as a board member, are any of the proposed --  
21 let me scroll the page up. Are any of the proposed  
22 solutions listed here -- did you consider any of the  
23 proposed solutions here to be effective in addressing the  
24 appropriateness of therapeutic services?

25 A Again, these are outside my area of expertise,

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1 so I would have relied on those whose area it was.

2 Q Okay. I'm going to stop sharing now.

3 All right. And I -- I know in that last  
4 document there were a few references to a document called  
5 a GNETS rule, which we will look at momentarily, but I  
6 have a more general question for you, which is, what the  
7 State Board's role when the State DOE seeks to revise --  
8 sorry. What is the State Board's role when the State DOE  
9 seeks to adopt a new rule?

10 A It would go to the State.

11 MR. BELINFANTE: Object to form.

12 THE WITNESS: It would go to the rules and  
13 education committee, and they would vet to the extent  
14 they felt appropriate and bring it for a vote based on  
15 the rules that affected that particular rule.

16 Q BY MS. HAMILTON: Is the process similar to  
17 what you just described when the State DOE seeks to  
18 revise a rule?

19 A Yes, ma'am.

20 Q I'm going to -- all right. I'm going to share  
21 my screen, and I'd like for the court reporter to note  
22 that this document was previously marked as Plaintiff's  
23 Exhibit 82. This is 160-4-7-.15, which was the GNETS  
24 rule. And I scrolled to the end here. It says that it  
25 was adopted June 15th, 2017, effective July 5th, 2017,

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1 and the Bates number -- or actually, I take that back.  
2 This was just a copy of the GNETS rule that's been  
3 previously entered.

4 Mr. Winter, I'm going to give you control, if  
5 you need to take a moment to look at the document, and  
6 then let me know when you are ready.

7 A Okay. Let's start.

8 Q All right. And this is actually just a really  
9 quick clarifying question. When SEA is referenced here,  
10 do you know what SEA stands for?

11 A State educational agency.

12 Q Is that the same thing as the State DOE or is  
13 that something different?

14 A To me they would be the same.

15 Q Okay. And it's not the State Board; is that  
16 correct?

17 A That is correct.

18 Q Okay. Actually, here we go. Actually, let  
19 me -- actually, I apologize. Let me go back, because I'm  
20 looking at this definition here. And so there's a  
21 definition here for State education agency. Do you see  
22 that here?

23 A I do.

24 Q Okay. And then it says, the term used in  
25 federal laws and regulations for the State Education

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1 Authority, which in Georgia is the Georgia State Board of  
2 Education, SBOE.

3 And so based on this definition --

4 A It would be the State Board based on that  
5 definition.

6 Q Okay. Thank you. I -- I missed that earlier.

7 Okay. You were on the State Board when the  
8 State DOE revised the GNETS rule in 2017; is that  
9 correct?

10 A That is correct.

11 Q And what was the purpose of the revisions that  
12 were made to the GNETS rule?

13 A Well, obviously, I think it reaches back to  
14 2015 with the report from the governor, is, we needed to  
15 deal with these opportunities for our students and the --  
16 one of the results was a new rule.

17 Q All right. I'm about to share another document  
18 on my screen. All right. And I'm going to show you a  
19 few documents, Mr. Winter, just to get a better sense of  
20 what your role was in the process.

21 This document that I am sharing now, I'd like  
22 for the court reporter to mark as Plaintiff's Exhibit  
23 611.

24 (Plaintiff's Exhibit 611 was marked for  
25 identification.)

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1 Q BY MS. HAMILTON: And, Mr. Winter, I am now  
2 showing you Plaintiff's Exhibit 611. This is a May 11th,  
3 2016 e-mail chain between you and Garry McGiboney with a  
4 subject line, "RE: GNETS." The Bates number of the first  
5 page is GA00510340.

6 I will give you a moment to look at the  
7 document, and you can let me know when you are ready.

8 A Okay. I've read it.

9 Q Okay. So starting with the original e-mail  
10 here at the bottom, let me see, you appear to be  
11 asking -- well, you appear to be saying that you are  
12 unable to locate a copy of the proposed rule and wondered  
13 if it could be forwarded to you.

14 Why would you have wanted to see the proposed  
15 rule?

16 A Why not?

17 Q Would it have been -- was it common for you to  
18 review copies of the proposed rules before they were  
19 presented in the committee -- well, I don't think this  
20 one here -- it wasn't clear if it was presented yet. But  
21 would it be -- let me start over.

22 Was it common for you to receive copies of  
23 drafts of the proposed rules?

24 A Yes. It was common for all board members to  
25 get copies.



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1 Q Okay. And it looks here as though Garry  
2 McGiboney responds and is basically saying the rule was  
3 still a work in progress. Who is Garry McGiboney?

4 A He was an assistant superintendent who was the  
5 liaison with the board and the rules committee.

6 Q It appears here that he's saying, once that  
7 document -- essentially once it's ready, he would give  
8 you a copy of the draft; is that correct?

9 A Correct.

10 Q Okay. All right. I am sharing another  
11 document.

12 MS. HAMILTON: I would like for the court  
13 reporter to mark this document as Plaintiff's Exhibit  
14 612.

15 (Plaintiff's Exhibit 612 was marked for  
16 identification.)

17 Q BY MS. HAMILTON: And, Mr. Winter, I am now  
18 showing you Plaintiff's Exhibit 612. This is an  
19 October 5th, 2016 e-mail chain between you and Clara  
20 Keith with the subject line "Draft Rule." The document  
21 has a Bates number on the first page of GA00197817.

22 Again, I will give you a moment to look at it.  
23 Let me know when you are ready.

24 A Okay.

25 MR. BELINFANTE: Sorry, Andrea, could you

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1 scroll down so I can see the bottom of the document?

2 MS. HAMILTON: Sure.

3 Q BY MS. HAMILTON: And, Mr. Winter, I don't know  
4 if you had a chance to look at all of it either, but I  
5 think you -- you have control over it.

6 MR. BELINFANTE: All right. Thank you.

7 MS. HAMILTON: Josh, did you see everything you  
8 needed?

9 MR. BELINFANTE: I did, yes. Thank you.

10 MS. HAMILTON: Okay. Great.

11 Q BY MS. HAMILTON: All right. So starting with  
12 this last e-mail, first of all, Mr. Winter, do you  
13 recognize this e-mail chain?

14 A Sort of. I don't dispute it.

15 Q Okay. So in the original e-mail chain that  
16 has -- the original e-mail from Clara to you with the  
17 subject of "Draft Rule," Clara writes, "Let me know your  
18 thoughts."

19 Is it your understanding looking at this that  
20 Ms. Keith was asking for your thoughts on the draft rule?

21 A To some extent, but to a greater extent my  
22 assistance. Rome --

23 Q Okay.

24 A -- did not have therapy, was in my district,  
25 and she knew I was concerned about that.

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1 Q I see.

2 A And so the question is, does it ensure, and  
3 she's coming back and saying, it's easier for you as a  
4 board member to ask for it than others as well. And so  
5 I --

6 Q Okay.

7 A -- said -- my response was, draft it for me,  
8 and I will put it up as an amendment to the rule.

9 Q Okay. And so that's actually really helpful.  
10 You walked through several things I was going to ask you.

11 So just to make sure I understand, in light of  
12 what you just said, Ms. Keith in her e-mail response  
13 here, it says, "In a roundabout way" -- let me go back  
14 here.

15 So there is your question, and then she says,  
16 "It would help me if you suggest we add a specific  
17 statement about providing therapeutic services," and then  
18 she lists certain pages. "This will require the GNETS to  
19 provide therapeutic services and will require the GaDOE  
20 to monitor for such."

21 So was it your understanding that Ms. Keith was  
22 asking you to draft specific language that could go into  
23 the GNETS rule?

24 A Clara is a very good politician. She was  
25 letting me know if I wanted to ensure it, we needed to

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1 change it. And so I said, please come up with the draft  
2 language, and I will be the one who proposes it.

3 Q I see. So you are saying you -- Ms. Keith  
4 drafted the language, but you were the person who  
5 proposed it; is that correct?

6 A Right. She says: Will require a specific  
7 statement. Okay. And my response is: I just did ask  
8 you to do it. That's in an inference.

9 Q Okay.

10 A It was worded for me.

11 Q Okay. And just so that I am clear on what the  
12 language was that you wanted added, maybe not the exact  
13 wording, but your concern pertained to the therapeutic  
14 support staff; is that correct?

15 A That it required GNETS to provide therapeutic  
16 services. Now, that does not require therapeutic staff.  
17 You could have it hired and bring somebody in. Just the  
18 key is that you met those needs of those children.

19 Q Okay. And so you wanted -- I'm sorry, go  
20 ahead.

21 A That was it.

22 Q Okay. So just to make sure I understand, so  
23 you wanted to ensure that the rule expressly stated that  
24 therapeutic support staff would be available at the GNETS  
25 program; is that correct?

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1 A And for Georgia DOE to monitor for such.

2 Q Did Ms. Keith ultimately prepare that language  
3 to be added to the GNETS rule?

4 MR. BELINFANTE: Object to form.

5 THE WITNESS: I am assuming she did, but I am  
6 sure in the next document you will show us that will let  
7 us both know.

8 Q BY MS. HAMILTON: I guess this is a general  
9 question. Do you know if the final rule contained the  
10 language that addressed your concern?

11 A I don't recall. That's why I would need to see  
12 the final rule.

13 Q Okay. I can go back to -- so going back to  
14 Plaintiff's Exhibit 82, this is the GNETS rule.

15 A Okay.

16 Q Mr. Winter, you are welcome to scroll through  
17 if this helps refresh your recollection.

18 A Okay. We are defining therapeutic supports.

19 Q And I realize this is a lot of information to  
20 try to scroll through in response to this question, so I  
21 can also show you another document that may help you with  
22 that question.

23 A To me, I -- what I am seeing here is I see  
24 inferences, but I don't see specific statements.

25 Q Okay. Let me show you another document. All

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1 right. I would like for the court reporter to mark this  
2 next document as Plaintiff's Exhibit 613.

3 (Plaintiff's Exhibit 613 was marked for  
4 identification.)

5 Q BY MS. HAMILTON: This is an e-mail chain from  
6 October 2016 between Larry Winter, Clara Keith, and then  
7 there are some other related chains below this. But the  
8 subject line of what I am focused on is the part that  
9 says, "Supporting documents for the GNETS Rule 169-4-7.15  
10 Feedback Sessions," and the Bates number on the first  
11 page is GA01486305.

12 Mr. Winter, I will give you a second to look at  
13 this. There is a reference to an attachment, but there  
14 was no attachment to this document so I don't have that  
15 to share with you, but I am just sharing it to the extent  
16 that it helps in any way with refreshing your  
17 recollection.

18 A Okay. I have read the memos.

19 Q Okay. And just returning back to my original  
20 question, I am just trying to get a general sense of  
21 whether you understood that the feedback you provided to  
22 Ms. Keith did get incorporated into subsequent versions  
23 of the GNETS rule?

24 A You know, when I view the rule that was  
25 approved, I see an emphasis on the phrase therapeutic

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1 services throughout. And, you know, that was the  
2 emphasis that evidently the wordsmiths arrived at.  
3 Obviously, this was something that was important to me or  
4 I would not have had as many conversations with it, so I  
5 am comfortable that at the time, that was increasing  
6 therapeutic services, making sure that it was a good  
7 partner in the educational services to the children.

8 Q Okay. Did you propose any other changes to the  
9 GNETS rule besides the language about the therapeutic  
10 services?

11 A I don't recall.

12 Q Okay. I'm going to stop sharing my screen now,  
13 and, Mr. Winter, I wanted to check in to see, we're going  
14 to switch gears to talk about another topic. Is this a  
15 good time for a break? How are you doing?

16 A It is. We've gone another hour and a half, so  
17 what if we met again at 2:30?

18 MS. HAMILTON: That sounds perfect.

19 Does that work for you, Mr. Belinfante?

20 MR. BELINFANTE: It does. Thank you.

21 MS. HAMILTON: All right.

22 THE VIDEOGRAPHER: We are off the record at  
23 2:19 p.m.

24 (The deposition was at recess from 2:19 p.m. to  
25 2:30 p.m.)

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1 THE VIDEOGRAPHER: We are back on the record at  
2 2:30 p.m.

3 Q BY MS. HAMILTON: Mr. Winter, I would like to  
4 now transition to asking you some additional questions  
5 about funding for the GNETS program, and I'd like to  
6 return to looking at Plaintiff's Exhibit 82, which was  
7 the GNETS rule. I'm going to share my screen. Let me  
8 know when you can see it.

9 A I can see it.

10 Q Okay. Great. All right. So we began  
11 discussing the GNETS rule earlier, but the part that I  
12 want to actually focus on now is on page 4, which  
13 discusses duties and responsibilities.

14 We discussed earlier that the SEA stands for  
15 State Education Agency, correct?

16 A Yes.

17 Q And we also discussed that the State Board of  
18 Education is the State Education Agency; is that correct?

19 A That's what we discovered and understand.

20 Q All right. So this first item here states  
21 that, "The SEA shall receive and disburse funds  
22 appropriated by the Georgia General Assembly to support  
23 GNETS services."

24 In your role on serving on the board, State  
25 Board, what are the funds that are being referenced here



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1 that are received and disbursed to support GNETS  
2 services?

3 A To me, that would be the blocks of funds that  
4 come out underneath the formula that goes to our schools,  
5 and I recall there was an additional block of some money  
6 over and above that.

7 MR. BELINFANTE: I'm sorry to interrupt. I --  
8 I made an objection to form, but I think I had my mic  
9 turned off, so I didn't then want to interrupt the  
10 witness. But just for the record and if it ever comes to  
11 it, and I doubt it ever will, we can -- we can talk about  
12 that later, but I just wanted to get that on the record.  
13 You all can hear me now, right?

14 MS. HAMILTON: Yes, we can hear you.

15 Q BY MS. HAMILTON: And I guess, Mr. Winter, just  
16 to clarify, I'm just trying to better understand, what  
17 funds are being referenced here in this first provision?

18 MR. BELINFANTE: Yeah, same. Same. Object to  
19 form.

20 THE WITNESS: Well, those would be the general  
21 education funds that are received based on student  
22 populations and so on, and my recollection is there was  
23 some additional money for children that had some special  
24 needs.

25 Q BY MS. HAMILTON: Okay. And is it your

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1 understanding that there are also funds that were  
2 specifically appropriated for the GNETS program?

3 A Well, my recollection is there were federal  
4 funds, and then there were those GNETS funds that I just  
5 referred to for special needs students.

6 Q Okay. And when it says here that the State  
7 Board or SEA received and disburses those funds, what --  
8 what does it -- I'm trying to think of how best to word  
9 this question. But how does the State Board disburse  
10 funds to the GNETS program?

11 MR. BELINFANTE: Object to form.

12 THE WITNESS: Well, in reality, the State Board  
13 does not have a bank account, so we don't receive money  
14 and we don't write checks. They all come in to the  
15 Department. They are under the purview, and the money  
16 spent needs to be approved by the State Board through our  
17 budget process, okay, and the money is allocated based on  
18 a student, based on the level of need that the students  
19 have.

20 Q BY MS. HAMILTON: And when you are referring to  
21 the state funds or the -- or the funds for the GNETS  
22 programs that aren't federal a moment ago, is that the  
23 same thing as the grant funds that are referenced here  
24 under number 2?

25 A It could be. It could be in addition to.

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1 Q Okay. What is your understanding of what these  
2 grant funds are that are being referenced?

3 A Well, I would want to go back and refresh that  
4 part. I'm looking there, and I'm picturing the thing,  
5 and I'm trying to figure out where in the budget they  
6 came from, so I would need to review the details to  
7 answer your question.

8 Q Okay. But just to be clear, there are specific  
9 funds that are state funds set aside for the GNETS  
10 program; is that correct?

11 A That's my understanding.

12 Q Okay. And then it looks here that there are  
13 some additional steps involved for the SEA in  
14 administering the grant funds. The first step here says,  
15 "Develop rules and procedures regulating the oper" -- I'm  
16 sorry, "regulating the operation of the GNETS grant,  
17 including the application process."

18 As a board member, were you familiar with the  
19 rules and procedures regarding the operation of the GNETS  
20 grant?

21 A I am sure I was at the time, but I do not  
22 recall without getting back to the data once again.

23 Q When you served on the budget committee, were  
24 you involved in any way with the application process for  
25 the GNETS grant?

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1           A    I would see a summary of it based on the  
2 children, their level of need and so on. I recall on  
3 rare occasions there would be questions about, where does  
4 this particular student fall? But beyond that, no.

5           Q    Okay. And do you ever remember reviewing  
6 applications that were coming from individual GNETS  
7 programs regarding those grant funding?

8           A    That's -- they would be requesting based on  
9 their student population. That's how they got their  
10 budget.

11          Q    All right. This next step here says, "Notify  
12 the fiscal agents regarding each fiscal year's allocation  
13 and approve GNETS services budget."

14                   What is this particular provision referring to?

15                   MR. BELINFANTE: Object to form.

16                   THE WITNESS: Sometimes the RESA was the fiscal  
17 agent because it had a pool of LEAs GNETS in one place.  
18 Okay, for example, we talked about Whitfield County had  
19 Whitfield County and the City of Dalton, okay, and we  
20 talked about others where there were multiple systems.  
21 So that's when it's talking about the fiscal agents could  
22 be an LEA, could be a RESA. Okay? When they turn in,  
23 just like when an LEA turns in its budgets, based on  
24 student numbers, a RESA is a -- a fiscal agent is for a  
25 GNETS program as well.

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1 Q BY MS. HAMILTON: All right. So then you would  
2 notify the fiscal agents which could include RESAs about  
3 the allocation they were receiving for GNETS?

4 A (Inaudible.)

5 Q And then -- pardon me. Continue.

6 Okay. I just want to make sure. Is that an  
7 accurate summary of that first part?

8 A Yes, ma'am.

9 Q And then the second half of it says, "Approve  
10 GNETS services budgets."

11 What -- what are the services budgets?

12 A That would be the --

13 MR. BELINFANTE: Object to form.

14 THE WITNESS: (Inaudible.)

15 Q BY MS. HAMILTON: I'm sorry, I couldn't hear  
16 you.

17 THE REPORTER: That would be the what?

18 THE WITNESS: Okay. Roman numeral little ii is  
19 the money going to the GNETS operation, and iii is the  
20 money going out. Well, pardon me. I've got my numbers  
21 mixed up. Okay, the fiscal year's allocations, the money  
22 coming in, and services budget would be the money going  
23 out.

24 Q BY MS. HAMILTON: And by money going out, are  
25 you referring to money that the GNETS program is

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1 spending?

2 A That's correct.

3 Q Okay. And then looking at this last small  
4 Roman numeral iii, it says, "Monitor GNETS to ensure  
5 compliance with Federal and state policies, procedures,  
6 rules, and the delivery of appropriate instructional and  
7 therapeutic services."

8 How does the State Board of Education monitor  
9 GNETS to ensure compliance?

10 A Through the --

11 MR. BELINFANTE: Objection to form.

12 THE WITNESS: Through the State -- through the  
13 Georgia DOE's compliance team working on GNETS.

14 Q BY MS. HAMILTON: And when you say through the  
15 Georgia DOE's compliance team working on GNETS, who is --  
16 who makes up that team?

17 A Well, again, the -- the key people were Clara  
18 and Nakeba, and then they had other people in their team  
19 working with different GNETS groups across the state.

20 Q Okay. And when it -- just to make sure I  
21 understand, though, it says here, the SEA or the State  
22 Board shall monitor GNETS to ensure compliance with all  
23 of these things that follow. And then I know your answer  
24 you said there's a compliance team.

25 How do you ensure that the GNETS program is

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1 complying with these policies and procedures that are  
2 listed here?

3 MR. BELINFANTE: Object to form.

4 THE WITNESS: I'm relying on Clara and Nakeba  
5 and their staff.

6 Q BY MS. HAMILTON: And by relying on them, are  
7 you saying they are reporting back to you regarding the  
8 GNETS program's compliance?

9 A That is correct. They did report back,  
10 typically through Mr. McGiboney, but they could report  
11 direct -- back directly as well.

12 Q And to the extent that this is in the GNETS  
13 rule, was there a formal mechanism by which Mr. --  
14 Dr. McGiboney or these other individuals were reporting  
15 back?

16 A The only reporting that I was a part of was the  
17 budget process, reviewing the money in and the money out.

18 Q Okay. I'm going to stop sharing this document,  
19 and what I want to do now is actually walk through a  
20 State Board meeting agenda, really just from a sample  
21 meeting, to get a better sense of the State Board's role  
22 when it comes to awarding certain types of GNETS funding.  
23 I am going to share my screen. Give me one moment.

24 All right. I would like for the court reporter  
25 to mark this next document as Plaintiff's Exhibit 614.

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(Plaintiff's Exhibit 614 was marked for  
identification.)

Q BY MS. HAMILTON: Mr. Winter, I am now showing  
you Plaintiff's Exhibit 614. This is a copy of the  
June 13th, 2019 State Board meeting agenda. This agenda  
was pulled from the State Board -- sorry, the Georgia  
Department of Education's public website. I am going to  
give you a moment just to scroll through to take a look  
at the document, and let me know when you are ready.

A Okay.

Q Okay. Great. All right. Are you aware that  
the State Board of Education posts copies of the board  
meeting agendas on its website?

A Yes.

Q Okay. Are those agendas that are posted true  
and accurate copies of the meetings from the board --  
sorry, of the agendas from the board meetings?

A We both certainly hope so.

Q Okay. And are you also aware that for  
individual agenda items, the board posts copies of the  
board item and any supporting documentation on its  
website?

A Well, the first agenda that I always received  
was in a slightly different form than this, where it  
broke out, for example, S1 contract, fiscal year '20



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1 communities in schools, where it would describe much more  
2 about that information. And instead of being under the  
3 term consent agenda, it would be talking about the rules  
4 committee or be broken into finance budget and down to  
5 charter, and then to other general things.

6 So in the first agendas that I received, they  
7 had much more detail. This agenda was prepared the  
8 morning of the meeting after all discussions had been  
9 made, ready for voting on the individual items.

10 Q Okay. All right. Okay. And let me see. We  
11 had recently pulled from the State Board website, but the  
12 date of the meeting was June 13th, 2019.

13 Just from looking at the agenda, is it accurate  
14 to say that this would reflect a typical agenda for one  
15 of the monthly State Board meetings? I believe you  
16 called them like the more formal State Board meetings.

17 A Well, let's call this a consent agenda.

18 Q Okay.

19 A Okay. Because, again, all of the items that  
20 were brought by the committees to the board, there was  
21 votes to put them on the consent agenda or have  
22 individuals vote. As each committee reported out, they  
23 would say we would like items 1 through 14 to go to the  
24 consent agenda. We want to vote on number 15. You know,  
25 that would be normal for the budget committee to say and

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1 the other committees as well.

2 Q Okay.

3 A So did that answer your question?

4 Q I think so. I'm just trying to make sure I  
5 understand. For the meeting -- like just looking at this  
6 agenda and the meeting that this agenda was for, would  
7 this be a board meeting that all of the board members  
8 would have attended? In other words, this isn't a  
9 committee meeting. This isn't the committee of the whole  
10 meeting. This is the regular meeting?

11 A Right. This is the final step of the monthly  
12 meeting.

13 Q Okay. Great. So then what I'd like to do, I'm  
14 going to scroll back up here to item 38 under the consent  
15 agenda. And do you see here where item 38 says, "FP -  
16 Grant - GNETS State and Federal Allocations"?

17 A Yes.

18 Q Okay. So in a moment we're gonna turn and look  
19 at the board item for these particular agenda items, but  
20 I just want to confirm that items 38, 39, and 40 all  
21 pertain to GNETS in some form; is that correct?

22 A That's what it appears.

23 Q Okay. And just for the record, item 39 says,  
24 "FP - Grant - FY20, GNETS Grant for Supplemental  
25 Instruction," and then item 40 says, "FP - Grant - FY20

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1 State Allocation-Therapeutic Services Reimbursement for  
2 GNETS Fiscal Agents."

3 Mr. Winter, what does "FP" stand for in this  
4 context?

5 A Finance.

6 Q Okay. What does the "P" stand for?

7 A I don't remember. Financial program or  
8 something like that, but it was a finance item.

9 Q Okay. All right. So we're gonna turn now to  
10 look at item 38, and I'd like for the court reporter to  
11 mark this document as Plaintiff's Exhibit 615.

12 (Plaintiff's Exhibit 615 was marked for  
13 identification.)

14 Q BY MS. HAMILTON: And, Mr. Winter, Plaintiff's  
15 Exhibit 615 was one of the documents on the website  
16 listed for item 38. It was listed as being a board item  
17 with the title "FP - Grant - GNETS State and Federal  
18 Allocations."

19 You have -- you should have control if you want  
20 to scroll through the document, and then let me know when  
21 you are ready.

22 A Okay.

23 Q And I will note just for the record as well  
24 that -- like at the bottom of the page, it says June 3rd,  
25 2019. This was attached to the board item for the

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1 June 13th meeting.

2 Mr. Winter, is it common that you would receive  
3 board items on a different date than the actual meeting  
4 itself?

5 A Oh, yes, so that you had time to read and  
6 research.

7 Q Okay. Great.

8 MR. BELINFANTE: I'm sorry to interrupt again.  
9 These do not appear to be Bates labeled; is that correct?

10 MS. HAMILTON: That is correct. These come --

11 MR. BELINFANTE: Okay.

12 MS. HAMILTON: -- from the State DOE's public  
13 website.

14 MR. BELINFANTE: Okay.

15 Q BY MS. HAMILTON: And, Mr. Winter, are you  
16 familiar with this document template?

17 A Generally, yes.

18 Q Okay. Is this a form that has to be used  
19 whenever a board item is presented to the board?

20 A I have never had that question asked that way.  
21 You are saying has to. I answered easily that is the  
22 form I'm used to receiving. I have no idea about any  
23 legal or other requirement.

24 Q Okay. All right. So what exactly is this  
25 document?

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1 A It's a summary of a grant.

2 Q And the grant that we're referring to here  
3 pertains to the GNETS state and federal allocations,  
4 correct?

5 A That is correct.

6 Q What is being recommended in this -- in this  
7 grant item?

8 A That we fund \$70,195,000; 62 million of it  
9 State, 7, almost 8 million of it federal.

10 Q Okay. And would this be the money that we were  
11 discussing earlier that has to be approved by the General  
12 Assembly and governor first?

13 A Well, yes and no. The State portion is coming  
14 out of State budget. The federal portion, of course, is  
15 coming from the federal Department of Education.

16 Q Uh-huh.

17 A Okay. You know, funding for students, be it  
18 funding for students with disabilities or otherwise, also  
19 is subject to, you know, a funding mechanism by a  
20 student, you know. And you can see on this one because  
21 of the swings up and down in GNETS, we used the previous  
22 three-year average so that there is no shocks to them  
23 because they have had a slight change.

24 Q Okay. And then to be clear, so then the State  
25 Board of Education through the superintendent awards the

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1 grant to the GNETS programs?

2 MR. BELINFANTE: Object to form.

3 THE WITNESS: Correct.

4 (Court reporter clarification.)

5 Q BY MS. HAMILTON: How do you determine how much  
6 is allotted to each individual GNETS program?

7 A Well, there's a lot of paperwork behind that  
8 document that you and I are now looking at. It's where  
9 the -- each program, be it a RESA program or a LEA  
10 program, comes to us with their budget based on the  
11 severity of the children, the number of the children, the  
12 current year, three years and so on. And so all of that  
13 then is tabulated, and that's how the -- the budget for  
14 each GNETS site is calculated.

15 Q Okay. Has the State Board ever not awarded the  
16 money in full, the allotments here in full to each of the  
17 GNETS programs?

18 MR. BELINFANTE: Objection to form.

19 THE WITNESS: Ultimately, no. However, we have  
20 put pauses on certain people for them to realize receipt  
21 of the money is not guaranteed; they have  
22 responsibilities to perform. And so there's different  
23 levels that you can -- you know, you can give somebody a  
24 grant, and they don't get all of the money at once. They  
25 get it over a period of time, but typically monthly by

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1 making out requests for the money, just like the State  
2 doesn't have all of its money on the first day of its  
3 fiscal year. It collects it monthly from its various  
4 funding sources.

5 However, sometimes you can have difficulty in  
6 understanding or accepting the information that you are  
7 being receiving, and instead of funding in advance, you  
8 can fund on a reimbursement basis. Well, that's really  
9 quite a shock to an LEA when we're going to get our money  
10 in a month or two or three months after we spend it.

11 Okay, so they -- they tend not to want to do  
12 that, or if their program is really out of align, you  
13 just tell them, we're not going to fund you, or we are  
14 going to stop funding you.

15 So ultimately a meeting of the minds took place  
16 wherever there was a disagreement in the past that I was  
17 aware of.

18 Q BY MS. HAMILTON: Were there ever any instances  
19 involving GNETS programs where the State Board put a  
20 pause on funding that program?

21 A Yes.

22 MR. BELINFANTE: Object to form.

23 THE WITNESS: The answer was yes.

24 Q BY MS. HAMILTON: What would be an example of a  
25 time when the State Board put a pause on funding for a

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1 particular GNETS program?

2 A Albany.

3 Q And how long was the funding for the Albany  
4 GNETS program? How long was that policy?

5 A Less than 90 days. It took them that long to  
6 use up all of their accumulated reserves and realized  
7 that they just needed to just go ahead and get in  
8 compliance.

9 Q Are there any other examples of times when  
10 funding for a GNETS program was put on pause?

11 A Not that I am aware of. Not that I recall. We  
12 had discussions with others, but we never had to resort  
13 to it.

14 Q Do you remember which other programs you had  
15 discussions with regarding the potential of putting their  
16 funding on pause?

17 MR. BELINFANTE: Object to form.

18 THE WITNESS: Valdosta.

19 Q BY MS. HAMILTON: And was that in connection to  
20 the quality of instruction issues that we discussed  
21 earlier today?

22 A Yes, ma'am.

23 Q All right. I want to scroll down to the  
24 section in the board item that says "Performance." Why  
25 is there a section in the board item that discusses



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1 performance with respect to awarding the GNETS grant?

2 A Well, my recollection of the rule is there were  
3 performance criteria, and if -- if you want the money,  
4 you have to do that. For example, for an LEA that's  
5 got -- running an elementary school, if there are no  
6 teachers, no education is taking place, the performance  
7 metric is, we are not going to fund that either.

8 Q Uh-huh. Okay. And in terms of formal  
9 mechanisms for measuring performance -- and I apologize  
10 for the background noise if you are hearing sirens. So  
11 this next line here says, "The Georgia Department of  
12 Education will conduct annual monitoring of GNETS for  
13 compliance with the GNETS Strategic Plan."

14 So was it your understanding that the GNETS  
15 strategic plan was being used as the monitoring tool for  
16 the purpose of monitoring performance?

17 A That's what I read.

18 Q And then here in this last sentence, it says,  
19 "FY19, 24 GNETS were monitored on their success of  
20 implementing the components of the GNETS strategic plan."

21 Do you see that as well?

22 A No.

23 Q It's in this last sentence. Let me know if you  
24 need me to make it bigger. I'm sorry, it's in the last  
25 sentence of the section that says "Performance, criteria

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1 and results."

2 A Which would make sense because there were 24  
3 blocks, so they are saying that they -- they did it for  
4 all 24.

5 Q When you served on the board, did you ever have  
6 any concerns regarding inadequate monitoring on the part  
7 of the State DOE?

8 MR. BELINFANTE: Object to form.

9 THE WITNESS: Not -- not in '16 and '17 with  
10 Clara and Nakeba. As I shared this morning, the  
11 superintendent wanted discussions to take place on a much  
12 more formal basis in late '19/'20 and so on, so the  
13 process -- the free flow of information was not as great.

14 Q BY MS. HAMILTON: I'm going to show another  
15 document momentarily. I'd like for the court reporter to  
16 mark this as Plaintiff's Exhibit 616.

17 (Plaintiff's Exhibit 616 was marked for  
18 identification.)

19 Q BY MS. HAMILTON: This is another document from  
20 the State Board of -- sorry, the State Department of  
21 Education public website with the board items. This  
22 document is titled "Georgia Department of Education Item  
23 for State Board of Education Approval - Grant." It also  
24 came from the same board meetings as supporting  
25 documentation. The date of this particular document that

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1 was presented for the board's review was on May 30th,  
2 2019.

3 Mr. Winter, I will give you a moment to take a  
4 look at this, and let me know when you are ready.

5 A I'm ready.

6 Q Okay. So the item name here, it says, "FP -  
7 Grant - FY20 GNETS Grant for Supplemental Instruction."  
8 What is the difference between the grant for federal and  
9 state allotment that we just reviewed compared to this  
10 document, which is a grant for supplemental instruction?

11 A My understanding is the one we just did, that  
12 is based on student head counts, just as we fund the LEAs  
13 and so on. This one is additional \$151,000 to provide  
14 specific support materials evidently that would not be  
15 covered by those LEA-type grants.

16 Q Okay. Is this money that also had to be  
17 approved by the General Assembly and Governor before it  
18 could be awarded by the State Board?

19 A Ultimately, all money had to be approved by the  
20 General Assembly. Some are in larger pieces than others,  
21 but the answer would always be, it had to be approved by  
22 the General Assembly.

23 Q How did the State Board evaluate whether to  
24 grant requests for supplemental funding such as this?

25 A On something like this, we were relying on

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1 staff and their reports and the other information we  
2 receive.

3 Q And then very quickly I just want to scroll  
4 down here. It also has a "Performance" section, and I  
5 just want to make sure I understand. What -- what does  
6 the State Board rely on to monitor the implementation of  
7 fidelity of this particular -- sorry, to monitor fidelity  
8 of implementation of this particular grant initiative?

9 MR. BELINFANTE: Object to form.

10 THE WITNESS: The fact that we send staff to  
11 each of the locations to have on-site visits, and -- and  
12 just like you, send internal audit teams to go look at  
13 their books.

14 Q BY MS. HAMILTON: Okay. And I just want to  
15 note here, similar to the other document that we looked  
16 at, where it says here, "Describe how the grant will be  
17 monitored to ensure satisfactory performance." In this  
18 last sentence, do you see where it says, "The  
19 supplemental instruction and diagnostic component is an  
20 item to be monitored for implementation fidelity on the  
21 strategic plan"?

22 Do you see that here?

23 A I do.

24 Q Was it your understanding that the strategic  
25 plan was also used as a tool for monitoring whether the

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1 State DOE was implementing -- sorry, whether the GNETS  
2 were implementing these initiatives with fidelity?

3 A That would be my assumption from reading it,  
4 and I would be relying upon that.

5 Q All right. And I want to show you one  
6 additional board meeting item from that June 13th  
7 meeting.

8 MS. HAMILTON: I would like for the court  
9 reporter to mark this as Plaintiff's Exhibit 617.

10 (Plaintiff's Exhibit 617 was marked for  
11 identification.)

12 Q BY MS. HAMILTON: This was supporting  
13 documentation for grant item -- sorry, for budget item  
14 number 40 in that same meeting. Just noting at the  
15 bottom that the board also received this document on  
16 May 30th, 2019. The title says, "Georgia Department of  
17 Education Item for State Board of Education Approval -  
18 Grant," and the item in particular was "FP - Grant -  
19 FY20, State Allocation Therapeutic Services Reimbursement  
20 for GNETS Fiscal Agents."

21 Mr. Winter, I will give you a moment to scroll  
22 through to take a look. Let me know when you are ready.

23 A Okay.

24 Q And the main reason that I am showing this to  
25 you, I'm just trying to understand the various sources of

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1 funding that can be awarded to some of the GNETS  
2 programs. This document references the therapeutic  
3 services reimbursement for GNETS fiscal agents. What is  
4 the therapeutic services reimbursement?

5 A As we discussed earlier, especially in small  
6 GNETS, they might not have either access to professionals  
7 in some of our more rural areas, or might not have a  
8 sufficient number of students to fully fund the required  
9 needs. This money was helping to fill in the gap if  
10 somebody had to -- they couldn't get a full-time  
11 employee, we had to pay people by the hour. There wasn't  
12 enough budget within the number of students they had to  
13 meet the needs, this was the State's way of meeting those  
14 students' needs.

15 Q And to make sure I understand what you were  
16 saying earlier, I believe you are saying all funding  
17 that's approved for the GNETS program has to be approved  
18 by the General Assembly and Governor -- Governor's  
19 Office. Is that correct?

20 A No, that's not what I said.

21 Q No? All right. Can you please clarify.

22 A I said, all state funding comes from the --  
23 from the General Assembly and the Governor. The federal  
24 funding would not. That's coming from the federal  
25 government.

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1 Q Sorry. I meant to say state funding. So is it  
2 an accurate summary that all state funding has to be  
3 approved by the General Assembly and the Governor's  
4 Office, including these reimbursement funds?

5 A All of those funds are in the -- the larger  
6 Georgia budget approved by that, that is correct.

7 Q Okay. And in this instance, it appears that  
8 these funds were only allotted for 11 GNETS programs; is  
9 that correct?

10 A Yes.

11 Q How does the State Board evaluate whether to  
12 grant reimbursement requests to these 11 programs in this  
13 instance?

14 A If you will recall what we said -- what I said  
15 earlier, it would be based on the -- it could be based on  
16 severity of the child, but more likely was this area, did  
17 it have enough students or was it in a rural area where  
18 it could not attract staff?

19 So, you know, for example, Metro Atlanta, they  
20 wouldn't have trouble with numbers or the ability to get  
21 staff, where extremely rural Georgia might have trouble  
22 with both.

23 Q Okay. And similar to the other board items,  
24 there is a performance section here, and it, among other  
25 things, asks for a description of how the grant would be

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1 monitored to ensure satisfactory performance.

2 What was the State Board relying on in order to  
3 monitor the effectiveness of the use of these  
4 reimbursement funds?

5 MR. BELINFANTE: Object to form.

6 THE WITNESS: The reports of the staff that  
7 were monitoring them.

8 Q BY MS. HAMILTON: And similar to the other one,  
9 I do just want to note here in this initial description,  
10 in addition to where it says "GaDOE conducts annual  
11 monitoring," this next sentence says, "The behavior and  
12 therapeutic supports component is an item to be monitored  
13 for implementation fidelity on the strategic plan."

14 Do you see that?

15 A I do.

16 Q Okay. So is it correct that the strategic plan  
17 was also a tool that was being used to monitor whether  
18 the grant was being used -- sorry, I want to make sure  
19 I'm using the correct terminology here -- to make sure  
20 that the funding here was being used in the manner that  
21 the programs that were being implemented -- sorry,  
22 therapeutic services. Let me start over. That was a lot  
23 that I did not say very clearly.

24 So I just basically want to confirm, was it  
25 your understanding that the strategic plan was another



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1 tool that could be used to monitor the implementation of  
2 these therapeutic services that were being provided here?

3 A That's my understanding.

4 Q All right. I'm going to share another  
5 document.

6 MS. HAMILTON: I'd like for the court reporter  
7 to mark this next document as Plaintiff's Exhibit 618.

8 (Plaintiff's Exhibit 618 was marked for  
9 identification.)

10 Q BY MS. HAMILTON: This is a September 28th,  
11 2017 e-mail from -- it's two different e-mails. There's  
12 a forwarded e-mail and then the original e-mail, but the  
13 forwarded e-mail was from Ted Beck to Larry Winter. And  
14 the subject line was, "Forward: Item requested by  
15 Mr. Winter in Budget Committee Meeting." The Bates  
16 number on the first page is GA04450268.

17 Mr. Winter, I'll give you a moment to scroll  
18 through to read the document, and then let me know when  
19 you are ready.

20 A Okay, I have read it.

21 Q Okay. All right. Do you recognize this e-mail  
22 chain, Mr. Winter?

23 A It would be consistent with correspondence that  
24 I had.

25 Q Okay. All right. So looking at this original

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1 e-mail that was sent from Nakeba to Ted Beck on  
2 September 27th of 2017, Nakeba states that -- sorry,  
3 Mr. Winter had a question related to the allocations for  
4 the therapeutic services board item. To be clear, this  
5 is not with respect to the meeting that we were just  
6 looking at in 2019; this is another -- another board  
7 meeting. But do you see where she makes the statement?

8 A Yes.

9 Q Okay. And then she goes on to describe kind of  
10 what the document contains and then says, "His  
11 recommendation," presumably referring to you, "was for us  
12 to add this information as an attachment to the board  
13 item to ensure that the names of the fiscal agents,  
14 GNETS, and the reimbursable amounts are transparent."

15 Do you recall requesting Ms. Nakeba to create a  
16 document that more clearly stated this information  
17 regarding who was being reimbursed?

18 A Specifically, no, but that would be very much  
19 in character for me. If we're going to spend \$900,000 --  
20 or pardon me, \$670,000, people need to know where. And  
21 as you pointed out, you know, why are ten groups getting  
22 it and others not? And when you can see the size of  
23 these districts and so on, you understand, oh, yeah,  
24 Crisp County being able to hire somebody on their own  
25 full par is going to be hard, and so it made it

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1 understandable to people, in my opinion, as to why these  
2 people got money when the other 14 RESAs, GNETS fiscal  
3 agents did not get the money.

4 Q Okay. And just to make sure I understand, I  
5 know we were only looking -- like for the June 2019 board  
6 meeting, we were only looking at the board item, but you  
7 mentioned that there is a lot of other documentation that  
8 you review as a board member. Would this document, for  
9 example, regarding the reimbursable therapeutic funds be  
10 something that you would have been reviewing as a board  
11 member?

12 A Well, based on the wording, as I was looking  
13 for it and it wasn't there, so I was requiring it be  
14 produced.

15 Q Okay. Do you recall, moving forward sort of  
16 after this time frame, that this documentation was  
17 subsequently provided?

18 A I'm sure it was or it wouldn't have gone  
19 through.

20 Q Okay. I'm going to share another document with  
21 you, Mr. Winter.

22 MS. HAMILTON: All right. I'd like for the  
23 court reporter to mark this document as Plaintiff's  
24 Exhibit 619.

25 (Plaintiff's Exhibit 619 was marked for

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1 identification.)

2 Q BY MS. HAMILTON: And Mr. Winter, Plaintiff's  
3 Exhibit 619 is a September 21st, 2016 e-mail from Debbie  
4 Gay to yourself, Mr. Winter, with other individuals  
5 copied. The subject line says, "Follow up from budget  
6 committee," and the first page of the document is marked  
7 with the Bates number GA04450250.

8 I will give you a moment, Mr. Winter, to take a  
9 look at the document. Let me know when you are ready.

10 A Okay.

11 Q Do you recognize this e-mail?

12 A No, but it would be consistent with the types  
13 of e-mails that I wrote and received.

14 Q Okay. And this is an e-mail that --

15 A Debbie Gay sent to me.

16 Q -- you received -- that Debbie Gay sent to you,  
17 correct.

18 All right. So at the beginning of the e-mail,  
19 Ms. Gay says, "I am writing -- Mr. Winter, I am writing  
20 as a follow-up to your questions in budget committee  
21 today."

22 Is that common that you would get written  
23 follow-up responses to questions that you would ask  
24 during the budget committee meetings?

25 A When they didn't have the time or the ability

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1 to come back and talk to me, yeah.

2 Q Okay. And then Ms. Gay goes on to say a little  
3 further down in this paragraph, "Following the budget  
4 committee, I met with Nakeba to confirm my understanding  
5 of the GNETS program involvement in the resources  
6 provided through the SAMHSA grant as well as the SPDG. I  
7 wanted to be sure I was providing you with accurate  
8 information."

9 What is she referring to when she says "the  
10 SAMHSA grant"?

11 A And acronyms at times get beyond me, so I won't  
12 guess.

13 In terms of what is going on, it would be very  
14 normal for me to ask questions regarding money that we  
15 pay to organizations because it's very easy for them to  
16 just be part of the routine as opposed to us challenging,  
17 are we getting our money's worth or are we getting what  
18 we asked for? And so, obviously, my questions were in  
19 that regard based on her response.

20 And, you know, she and -- and quoting Nakeba,  
21 they speak for themselves. They are coming back to me  
22 and telling me, yeah, this is important. It's -- it's  
23 reaching the various groups that are mentioned in the  
24 e-mail. And I, based on that response, would probably  
25 have approved that expenditure.

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1 Q Okay. That's a really helpful overview. I  
2 don't -- we'll see. Let me ask you a few follow-up  
3 questions to see if you remember any of these details.  
4 Like this next paragraph here mentions Youth Mental  
5 Health First Aid. What is Youth Mental Health First Aid?

6 A Yes, that's a very good question. Do I  
7 remember? No.

8 Q Okay. Why were you trying to understand  
9 whether GNETS received resources from this particular  
10 source?

11 A Evidently somebody said they were, and I'm a  
12 very curious person. During the course of one budget  
13 meeting, I would probably ask 20 or 30 questions that  
14 people had to get back to me with information on.

15 Q Would you have been satisfied with this  
16 response that you received from Ms. Gay regarding Youth  
17 Mental Health First Aid?

18 A Yes.

19 Q Okay. And it looks like she's mainly  
20 confirming that it is being delivered to all the GNETS  
21 programs for that time period.

22 All right. This next one says the State  
23 Personnel Development Grant or SPDG. What was the SPDG  
24 grant?

25 A It was something to improve graduation

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1 routes -- rates for students with disabilities.

2 Q Was it your understanding at the time that that  
3 money was available to all students, including GNETS  
4 students?

5 A That would be my response, yes.

6 Q And it appears here in the last sentence,  
7 Ms. Gay says, "As a follow-up, we will work with Nakeba  
8 to examine this closely to ensure the resources are used  
9 and available in the GNETS Programs."

10 Again, I realize you may not recall a lot of  
11 details from this exchange, but were you generally  
12 satisfied with the answers that you received from Ms. Gay  
13 with regard to the SPDG grant?

14 A Yeah, I -- I could trust Debbie to give real  
15 answers.

16 Q And I -- I note here in this last paragraph,  
17 she says, "I share your concern that the GNETS programs  
18 have equitable access to grant funded resources available  
19 to students."

20 Do you know what she was referring to when she  
21 says, "I share your concerns"?

22 MR. BELINFANTE: Object to form.

23 THE WITNESS: Go up to the date on this.

24 Q BY MS. HAMILTON: I'm sorry, I didn't hear that  
25 last part.

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1           A     Okay.  If we look at this, this is the period  
2     of time where the whole department, the whole was -- was  
3     looking at GNETS.  So everybody was concerned about GNETS  
4     at that time.  And so for her to say that, that means  
5     that she understood what we, the department and the  
6     board, were going through to -- to improve GNETS across  
7     the state of Georgia.

8           Q     And she also mentions here in that same  
9     sentence, she makes a reference here to equitable access.

10          A     If I can interrupt.

11          Q     I'm sorry, can you hear me?

12          A     I need a five-minute break.

13          Q     Okay.  That's fine.  We will take a break for  
14     five minutes.

15          A     Thank you.

16                THE VIDEOGRAPHER:  We are off the record at  
17     3:33 p.m.

18                (The deposition was at recess from 3:33 p.m. to  
19     3:39 p.m.)

20                THE VIDEOGRAPHER:  We're back on the record at  
21     3:39 p.m.

22          Q     BY MS. HAMILTON:  And Mr. Winter, I just have  
23     one last question about Exhibit 619.  I'm going to share  
24     that document again on my screen.  And first of all, can  
25     you confirm if you can see it on your screen?



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1           A     I can.

2           Q     Okay. Great. So going back to this last  
3 sentence where Ms. Gay says, "I share your concern that  
4 the GNETS programs have equitable access to grant funded  
5 resources available to students," my one last question  
6 about this document right now is, were you aware of any  
7 instances as a board member where GNETS programs did not  
8 have access to grant-funded resources available to  
9 non-GNETS students?

10           MR. BELINFANTE: Objection to form.

11           THE WITNESS: No. Although, it was my  
12 observation that the source of all wisdom and knowledge  
13 often appear in the form of board member's questions, and  
14 so for people to share our concerns and to tell me that  
15 my questions are good ones, even if that were not true,  
16 would be very normal to find in a response memo such as  
17 this.

18           Q     BY MS. HAMILTON: All right. Mr. Winter, I am  
19 about to share a new document with you.

20           MS. HAMILTON: I would like for the court  
21 reporter to mark this as Plaintiff's Exhibit 620.

22                   (Plaintiff's Exhibit 620 was marked for  
23 identification.)

24           Q     BY MS. HAMILTON: So Plaintiff's Exhibit -- let  
25 me make this a little smaller here. Plaintiff's Exhibit

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1 620 is a May 14th, 2018 e-mail from initially --  
2 initially from Garry McGiboney to several individuals who  
3 appear to be board members in the "to" line, but then  
4 there is a separate e-mail between Larry Winter and Garry  
5 McGiboney. The subject line is "Mental Health Grant,"  
6 and the first page has a Bates number of GA00540344.

7 Mr. Winter, I will give you control -- give me  
8 one moment -- of this document, and you can scroll  
9 through and let me know when you are ready.

10 A Okay.

11 Q Do you recognize this e-mail chain, Mr. Winter?

12 A No, but it would be normal. That's how Garry  
13 writes and how he -- how he informs people.

14 Q And does this document list you as a recipient  
15 of the e-mail from Garry McGiboney on Monday, May 14th,  
16 2018?

17 A Yes, it does.

18 Q And then does it also show that you wrote him  
19 separately, it looks like later that same day, to say  
20 thank you?

21 A Yes.

22 Q Okay. In Dr. McGiboney's e-mail here, he  
23 states -- let me find the right reference to point to.  
24 All right. So about halfway through in Dr. McGiboney's  
25 e-mail, he says, "To continue and expand the YMHFA

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1 training," and I'm going to pause there. When we say  
2 "YMHFA," do you understand that that is in reference to  
3 Youth Mental Health First Aid?

4 A Because the acronym is defined two sentences  
5 previously, yes.

6 Q Okay. So where Dr. McGiboney says, "To  
7 continue and expand the YMHFA training, we learned of a  
8 grant, Mental Health Awareness Training Grant, that could  
9 provide the funding that we need," do you see that  
10 language?

11 A Yes.

12 Q And then a little further down he says, "We  
13 wanted to inform you of our intentions to apply for the  
14 grant."

15 Do you see that language as well?

16 A I do.

17 Q Does the State DOE always notify the board  
18 whenever it seeks to apply for a federal grant?

19 A The State Board must approve the acceptance of  
20 one, so it's normally a wise thing to do it in advance.

21 Q Are there any steps that the State Board has to  
22 take once notified before the -- once notified about a  
23 grant such as this -- let me -- let me start over.

24 Are there any steps that the State Board would  
25 need to take in response to a notification such as this

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1 before the State DOE can apply for an outside grant?

2 A No. To my knowledge, they could apply for one,  
3 but the State couldn't accept it without the State Board  
4 approving it. You know, normally it would come to us as  
5 a board item with the information behind it. Garry is  
6 just telling us in advance I am doing this, and here's  
7 why, because he's very good and thorough in the work that  
8 he does.

9 Q Okay. Do you remember if the State DOE ever  
10 received this particular grant?

11 A No, ma'am, I don't, but if Garry said that he  
12 was going to get it, he would get it.

13 Q As a board member, did you ever facilitate  
14 the -- did you ever facilitate efforts to assist the  
15 State DOE in obtaining additional funds to cover needs  
16 for the GNETS program?

17 MR. BELINFANTE: Object to form.

18 THE WITNESS: Not that I recall.

19 Q BY MS. HAMILTON: And during your time on the  
20 State Board, were there any particular board members who  
21 had like a very strong investment in seeing the success  
22 of the GNETS program?

23 A Well, I -- I would say most. I'm going to look  
24 at the -- Lisa Kennemore was very involved. Barbara  
25 Hampton was. Helen Rice was. Kevin Boyd was. Scott

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1 always was on the lookout. Mike Royal, very much so.  
2 I -- I skipped over Kenneth because he had a lot of other  
3 areas that he was kind enough to keep up on for the  
4 board, but through that group right there, Lee Anne  
5 Cowart as well.

6 So a large portion of the board was very  
7 interested in our special needs students.

8 Q All right. I'm going to close out these  
9 documents. Give me one second.

10 And I want to switch gears to discuss a new  
11 topic. I am sharing -- I am sharing a document that I  
12 would like for the court reporter to mark as Plaintiff's  
13 Exhibit 621.

14 (Plaintiff's Exhibit 621 was marked for  
15 identification.)

16 Q BY MS. HAMILTON: This is an e-mail chain from  
17 September 2015 between you and Matt Jones with the  
18 subject line "Re: GNETS" pro -- sorry, "GNETS position."  
19 The first page of this document has a Bates number of  
20 GA03463431.

21 This is a short e-mail, but I will give you a  
22 moment to read it. Let me know when you are ready.

23 A Let's go.

24 Q All right. So in the September 18th, 2015  
25 e-mail from Matt Jones, at the very bottom he notes that,

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1 "We are posting today." Actually, so not at the very  
2 bottom. Actually, about midway through, he says, "We are  
3 posting today," and there is not a lot of information  
4 here, but the subject line says "GNETS position."

5 Do you remember what he would have been  
6 referring to during this time frame?

7 A No, ma'am.

8 Q Is it possible that he would have been  
9 referring to Nakeba Rahming's position?

10 A That would be --

11 Q Sorry, posting of the position?

12 A That would be my assumption, but I didn't want  
13 to assume.

14 Q Okay. As a general matter, do you review all  
15 State Department of Ed job postings?

16 A No.

17 Q Okay. And I do note here that he says at the  
18 very beginning, "Larry, see attached. Clara, Debbie, and  
19 I have worked together on this."

20 Under what circumstances would you have  
21 reviewed of State DOE job postings?

22 A Okay. What was occurring in 2015, '16, and  
23 '17, okay, we have the -- the report from the Governor's  
24 Office. We are -- we are working on GNETS and so on.

25 So was I interested in GNETS? Obviously I was.

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1 So there were areas where, you know, if somebody -- if we  
2 were posting a job in internal audit or IT or accounting,  
3 I would be interested in that as well.

4 Q I am going to show you another document from  
5 around this time period, and I'd like for the court  
6 reporter to mark this as Plaintiff's Exhibit 622.

7 (Plaintiff's Exhibit 622 was marked for  
8 identification.)

9 Q BY MS. HAMILTON: This is a December 3rd, 2015  
10 e-mail between Larry Winter and Matt Jones with a subject  
11 line "Re: GNETS Position," likely related to the chain we  
12 just saw a moment ago. The first page, first and only  
13 page of this document, has a Bates number of GA03464539.

14 And I will give you a moment to take a look at  
15 this. Let me know when you are ready.

16 A I have read it.

17 Q Okay. So what is Matt Jones explaining here in  
18 his e-mail with regard to the GNETS position at issue?

19 MR. BELINFANTE: Object to form.

20 THE WITNESS: Well, I mean, from my reading of  
21 the document, he's communicating to me we've made a  
22 choice. We are going to be bringing it to the board.

23 Q BY MS. HAMILTON: Why would Matt Jones have  
24 been reaching out to you about the interview team's  
25 recommendation to the State Board for the GNETS position

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1 at issue?

2 A Because I was interested.

3 Q And again, do you understand that this position  
4 being discussed here was likely Nakeba Rahming's  
5 position?

6 A Again, that's my assumption, but it doesn't say  
7 that on its face, but Nakeba's was -- occupied the cube  
8 outside of Clara's office, and the rest of it makes sense  
9 it's her.

10 Q Okay. Does the State Board of Education  
11 approve hiring recommendations for State DOE positions?

12 A Yes.

13 Q And I note here at the very end of Matt Jones's  
14 e-mail, he says, "Also, the GNETS position may -- made a  
15 direct report to me."

16 I believe that may have been a typo, but what  
17 do you understand Matt Jones to be saying about the GNETS  
18 director reporting to him?

19 A That would be reporting to him.

20 Q Okay. Would it have been common for a director  
21 at that level to report directly to the chief of staff?

22 A He had eight or ten people that reported to  
23 him. To add one was not a shock to me, especially as we  
24 view, you know, the interest of the Governor's Office  
25 and -- and others that have been taking place.



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1 Q And what was the interest of the Governor's  
2 Office in the GNETS program at this time?

3 A You saw --

4 MR. BELINFANTE: Object to form.

5 THE WITNESS: You saw the audit from them and  
6 their recommendations earlier.

7 Q BY MS. HAMILTON: And then in your response you  
8 say, "Thank you for your personal involvement in this  
9 important project."

10 Would Matt Jones have ordinarily -- sorry.  
11 Would Matt Jones's chief of staff have ordinarily been in  
12 hiring -- sorry. You can tell it's getting late in the  
13 day, isn't it?

14 Would Matt Jones's chief of staff have  
15 ordinarily been involved in hiring of a State DOE  
16 director?

17 MR. BELINFANTE: Object to form.

18 THE WITNESS: If you knew that the Governor's  
19 Office was watching everything that happened, I think you  
20 would tend to be more involved, but I think that my  
21 response is that was good.

22 Q BY MS. HAMILTON: Okay. And then the last  
23 question here for this document, you say here in your  
24 response, "If you all have agreed on the person to be  
25 GNETS director, I am confident they are the right

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1 person."

2 Why did you have that assurance that if they  
3 all agreed that you could be confident this was the right  
4 person?

5 A Because I am a nice person, and I wrote nice  
6 words.

7 Q Did you have any particular confidence in the  
8 skill set of the individuals who were involved in making  
9 the decisions?

10 A Well, obviously, Nakeba was coming in to take  
11 Clara's position which then got morphed where we got to  
12 keep two, and Debbie was also involved. So I know the  
13 two of them had a great deal of involvement and  
14 experience, and I was thrilled to see the chief of staff  
15 becoming more involved in the process as well.

16 Q Okay. I want to show you one more document  
17 related to this topic.

18 MS. HAMILTON: I'd like for the court reporter  
19 to mark this as Plaintiff's Exhibit 623.

20 (Plaintiff's Exhibit 623 was marked for  
21 identification.)

22 Q BY MS. HAMILTON: This is an e-mail dated  
23 February 16th, 2016 -- an e-mail chain dated  
24 February 16th, 2016 between Larry Winter and Matt Jones.  
25 One of those e-mails Mike Royal is copied, and the

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1 subject line is "GNETS." The Bates number for the first  
2 page is GA03465879.

3 I will give you a moment to read the document.  
4 Let me know when you are ready.

5 A I have read it.

6 Q Okay. All right. So in the original e-mail  
7 from Matt Jones to you, Matt Jones writes, "Larry, we  
8 have a space for the GNETS person right outside of  
9 Clara's office. However, Clara is at the DOE only twice  
10 a week so we also have a space for the GNETS person with  
11 the Special Education team. Just wanted to let you  
12 know."

13 Do you see that?

14 A I did.

15 Q Okay. Why would Matt Jones have been reaching  
16 out to inform you about the location of the office space  
17 for the new GNETS hires?

18 MR. BELINFANTE: Object to form.

19 THE WITNESS: Well, if you go back to the  
20 document you showed me previously, he had already talked  
21 about where he was going to put them. Now, I have an  
22 advantage over you. I know where those locations, one,  
23 were, and it was a terrible office. So perception in  
24 government tends to be very important. If somebody has a  
25 nice office, then they are somebody that's important, and

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1 if they are hidden behind the toilets, then there's a  
2 problem, okay?

3 It was not gonna be a good office to be  
4 bringing in a new director, and if we are really  
5 emphasizing, I just thought it was a mistake, and I  
6 shared my thoughts, and Matt was very kind and  
7 subsequently agreed with me.

8 Q BY MS. HAMILTON: Okay. And I note here in  
9 your response to Mr. Jones's e-mail, consistent with what  
10 you were just saying, that it sounds like you took a  
11 different position of where the location should be.

12 What were you -- what did you mean when you  
13 said, "Until all" -- and sorry, let me scroll up. So in  
14 this sentence, it says, "Personally I think it will be/is  
15 important that the new GNETS person and Clara's offices  
16 not be in the special education area until all of this  
17 shakes out."

18 What did you mean when you said "until all of  
19 this shakes out"?

20 A Well, obviously, are we as a state working on  
21 GNETS? The answer is yes, okay. And are we really  
22 emphasizing its importance? The answer is yes.

23 And to -- in my opinion, and probably some  
24 naivety on my part, to just put them back in special ed  
25 might not let people realize that it was special.

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1 Q And then, I guess, relatedly, this next  
2 sentence where you say, "I believe this will be important  
3 if we have to make a case later on," what were you  
4 referring to when you said this later part, "if we have  
5 to make a case later on"?

6 A Well, I'm guessing now looking at it today,  
7 that if we had to move Nakeba and so on higher in the  
8 structure within the department, that that would help  
9 make that case later on, and that ultimately occurred.

10 Q Okay. I just stopped sharing my screen.

11 I want to switch gears and ask you some -- some  
12 different questions now on a different topic. What are  
13 your views on providing students with school-based mental  
14 health services in schools?

15 MR. BELINFANTE: Object to form.

16 THE WITNESS: I've never been asked the  
17 question before, so I don't have a position.

18 Q BY MS. HAMILTON: Okay. And I know you  
19 mentioned earlier that there had been some focus, I  
20 believe in response to one of the reports that we talked  
21 about earlier like the Governor's report and improving  
22 the available therapeutic services. So I guess going  
23 back to my initial question, did you have any views on  
24 providing students with therapeutic services in schools?

25 MR. BELINFANTE: Object to form.

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1 THE WITNESS: Again, if a children -- if a  
2 child was not doing well in school because they had other  
3 things going on in their life, moving them to GNETS means  
4 we need to be working with them on the other things going  
5 on in their life, and that made sense to me.

6 Q BY MS. HAMILTON: In your work with the State  
7 Board, did you ever collaborate with individuals from --  
8 let me start over.

9 In your work with the State Board, did you ever  
10 interact with officials from other State agencies such as  
11 DBHDD or DCH?

12 A Agencies within the State of Georgia?

13 Q Yes.

14 A The answer is yes. I had a good relationship  
15 with the finance people at Regent and also Pre-K, again,  
16 their finance people, but it would be more those than  
17 anyone else.

18 Q Okay. So your interactions with other agencies  
19 was primarily through the finance personnel?

20 A Yeah, the -- the State audit department, things  
21 like that, but all financial OMB, so on.

22 Q Okay. All right. I want to show you another  
23 document.

24 MS. HAMILTON: All right. I'd like for the  
25 court reporter to mark this next document as Plaintiff's

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1 Exhibit 624.

2 (Plaintiff's Exhibit 624 was marked for  
3 identification.)

4 Q BY MS. HAMILTON: And I am showing you,  
5 Mr. Winter, an August 29th, 2017 e-mail chain between you  
6 and -- the initial e-mail is between you and Clara Keith  
7 with the subject "Milo Robot for students with" -- I'm  
8 sorry. The initial e-mail was between you and Nakeba  
9 Rahming -- okay, was between you and Nakeba Rahming with  
10 the subject of "Milo Robot for students With autism," and  
11 Clara Keith was copied on that first e-mail in the chain.  
12 The first page of the document has a Bates number of  
13 GA00792589.

14 Mr. Winter, I will give you a second to look at  
15 it, and let me know when you are ready.

16 MR. BELINFANTE: I don't see a document up.

17 MS. HAMILTON: Oh, you don't? Okay. Give me  
18 one second.

19 MR. BELINFANTE: Thank you. There we go.

20 MS. HAMILTON: Okay. Can you all see it now?

21 MR. BELINFANTE: Yes, I can.

22 Q BY MS. HAMILTON: Mr. Winter, can you see it  
23 now?

24 A I can.

25 Q And let me give you control.

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1           A     Okay.

2           Q     All right. So, Mr. Winter, we don't have the  
3     initial -- so if we look at the original e-mail from  
4     Nakeba Rahming, she says, "Hello Mr. Winter. After  
5     reading your e-mail" -- I do want to note that we don't  
6     have the e-mail that you may have sent to her that led to  
7     this conversation, but I do want to note that Nakeba says  
8     here, "After reading your e-mail and viewing the SBOE  
9     presentation about the Milo robot for autistic children,  
10    I wanted to follow up with GNETS staff to see if any of  
11    the GNETS are using Milo."

12               What was the Milo robot?

13           A     I'm not really sure. The reason I would have  
14    done that is because I'm a human being. My wife is a  
15    special ed teacher. One of my children has level one  
16    autism, and I'm sure that caught my attention and I asked  
17    questions.

18           Q     And then Ms. Rahming goes on to say that she is  
19    aware of Milo, and then she also mentions that HAVEN  
20    Academy is using Milo in their program.

21               Were you aware that this robot was being used  
22    in a GNETS program?

23           A     No, not until I got that e-mail.

24           Q     Do you know if the robot was ever piloted in  
25    any other GNETS program?



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1 A No.

2 Q And as we discussed, you would inquire for  
3 various reasons about whether the GNETS programs were  
4 using this robot.

5 Can the State Board recommend that specific  
6 therapeutic services like the Milo robot be used in the  
7 GNETS program?

8 MR. BELINFANTE: Just object to form.

9 THE WITNESS: Well, first of all, that was not  
10 the purpose of this e-mail, so the balance of your  
11 question is total speculation.

12 Q BY MS. HAMILTON: Right. And I'm not asking --  
13 I'm stepping away from this e-mail for a moment just  
14 trying to better understand as you gather this type of  
15 information --

16 A Our State Board --

17 Q -- as a State Board --

18 A Our State Board members are allowed to bring  
19 information to staff within the department for  
20 evaluation, I believe the answer is yes, but to make a  
21 recommendation to them, no.

22 Q Okay. And if the State DOE wanted to roll out  
23 a larger pilot pertaining to a therapeutic program, would  
24 it have to seek funding from the State Board in order to  
25 do so?

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1 MR. BELINFANTE: Object to form.

2 THE WITNESS: It would have to get funding  
3 somewhere. You know, maybe they get a grant from the  
4 outside, but in the process, would the State Board become  
5 aware of it, the answer is yes.

6 Q BY MS. HAMILTON: Okay.

7 A Unless they were using money that they already  
8 had within their various budgets.

9 Q All right. Then my last question about this, I  
10 know this e-mail chain was about the Milo robot. Have  
11 you reached out to State DOE personnel to find out about  
12 other types of therapeutic services? Sorry. When you  
13 were on the State Board, did you reach out to any other  
14 State personnel to find out about specific therapeutic  
15 services?

16 A Not that I --

17 MR. BELINFANTE: Object to form.

18 THE WITNESS: -- recall. Obviously, this one  
19 caught my interest as a parent or as a husband as opposed  
20 to anything else.

21 Q BY MS. HAMILTON: I'm going to stop sharing the  
22 screen, and I'm going to switch gears again and just ask  
23 you some general questions about the GNETS programs.

24 As a member of the State Board, did you have  
25 any concerns about GNETS students being placed in

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1 settings where they did not have an opportunity to  
2 interact with non-GNETS students?

3 MR. BELINFANTE: Object to form. I'm sorry,  
4 could you repeat the question again for me?

5 MS. HAMILTON: Sure.

6 Q BY MS. HAMILTON: The question was, just from  
7 Mr. Winter's -- based on his opinion as a member of the  
8 State Board, did he ever have -- did you have --  
9 Mr. Winter, did you ever have any concerns about GNETS  
10 students being placed in settings where they did not have  
11 opportunities to interact with students who were not in  
12 GNETS?

13 MR. BELINFANTE: Okay. I will still object to  
14 form. But thank you.

15 THE WITNESS: I was aware that there were some  
16 GNETS students that were in GNETS programs only part  
17 time, and they were in their general school part of the  
18 time. I know of some students that -- and, for example,  
19 in Whitfield County where they were involved in  
20 extracurricular activities.

21 So no, I don't -- I don't think I was ever  
22 concerned. I don't ever think that was really brought to  
23 me as a major concern until I read it in that Atlantic  
24 article that you showed to me earlier.

25 Q BY MS. HAMILTON: Mr. Winter, does the State

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1 Board handle appeals of decisions that are rendered by  
2 local school boards pertaining to -- pertaining to  
3 special education?

4 MR. BELINFANTE: Object to form.

5 THE WITNESS: We can.

6 Q BY MS. HAMILTON: What is the process by which  
7 the State Board would handle any appeals?

8 MR. BELINFANTE: Object to form.

9 THE WITNESS: Somebody would file an appeal,  
10 normally through Garry McGiboney's office.

11 Q BY MS. HAMILTON: And what was his office  
12 again?

13 A He was the person that -- he had a lot of hats,  
14 but our rules committee, he would have been the person  
15 riding shotgun on that. He was -- you've seen him on  
16 things regarding PBIS and special ed and so on. So he  
17 would have been the person that the appeals flowed  
18 through to us.

19 Q Okay. And what would the State Board of  
20 Education, like what -- what were the expectations for  
21 the State Board of Education once you received an appeal?

22 MR. BELINFANTE: Object to form.

23 THE WITNESS: Well, we always met and discussed  
24 those in executive sessions, and they were very lively  
25 discussions. There were a lot of times when we were not

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1 unanimous in our decisions. The minutes would reflect  
2 that. But we took each one very seriously, because at  
3 that point in time we were acting as the Supreme Court.

4 Q BY MS. HAMILTON: When you served on the State  
5 Board, did you ever receive appeals pertaining to  
6 students in the GNETS program?

7 MR. BELINFANTE: Object to form.

8 THE WITNESS: I can't recall specifically.

9 Q BY MS. HAMILTON: Okay. And, Mr. Winter, I am  
10 going to show you another document. Give me one second,  
11 and I would like the court reporter to mark this as  
12 Plaintiff's Exhibit 625.

13 (Plaintiff's Exhibit 625 was marked for  
14 identification.)

15 Q BY MS. HAMILTON: This is a February 16th, 2016  
16 e-mail chain between you and Dr. Garry McGiboney with the  
17 subject "Case # 16-0021." The Bates number for this  
18 document is on the first page, GA00506530.

19 I want to give you a moment to look at this  
20 document, and I do want to flag that I am switching gears  
21 slightly from complaints to the topic of waivers, but I  
22 will give you a moment to look at this. Let me make sure  
23 you have control of the document, and let me know when  
24 you are ready.

25 A Okay, I read it.

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1 Q Okay. So beginning with the original e-mail  
2 from Dr. McGiboney, he appears to be e-mailing you a case  
3 number, and it says for the Elam Alexander GNETS program.  
4 Do you see that?

5 A I do.

6 Q Okay. So your response, you say, "What  
7 additional information is available to me. Was a typical  
8 waiver summary prepared?"

9 I'm trying to get a better understanding of  
10 what -- what -- like what is a waiver? What -- what was  
11 the -- what was the basis for this whole e-mail exchange?

12 A Well, obviously people wanted a waiver of rules  
13 based on something, okay, and so we -- we got the  
14 document and the recommendation, but the information to  
15 make a decision was not attached, and my response was,  
16 where is the typical waiver summary that gives me the  
17 facts?

18 And Garry then had -- replied and so that I  
19 would know where they stood on it; that they agreed they  
20 didn't have any information, and -- and the parent had  
21 decided to do something else, so...

22 Q And the information that you were asking for  
23 was for the waiver summary, and you are saying that was  
24 not provided?

25 A That's correct.

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1 Q And then it appears here in Dr. McGiboney's  
2 response, he mentions that these are for medical waivers.  
3 Just let me see if I -- I'm trying to make sure I have a  
4 clear understanding of what service these families would  
5 have been seeking permission, like what -- what services  
6 they are seeking a medical waiver from.

7 As a member of the State Board, did you all  
8 receive medical waivers with any degree of frequency?

9 A We got some, a few every year.

10 Q And what -- I guess I'm trying to understand,  
11 what exactly is a medical waiver?

12 A Where we --

13 MR. BELINFANTE: Object to form.

14 THE WITNESS: -- waive certain rules based on  
15 the medical needs of a child.

16 Q BY MS. HAMILTON: I'm sorry, can you repeat  
17 that?

18 A Where we waive some of the rules because of a  
19 medical need of a child. And the reason you are confused  
20 is the same reason I'm confused, and in reality, on that  
21 one nothing was really answered because the parents  
22 pulled the child.

23 Q I'm going to stop sharing this document.

24 As a State Board member, were any concerns ever  
25 brought to your attention regarding the use of physical

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1 restraints in GNETS programs?

2 A Yes.

3 MR. BELINFANTE: Object to form.

4 Q BY MS. HAMILTON: Okay.

5 MR. BELINFANTE: Marcie --

6 Q BY MS. HAMILTON: What was the nature --

7 MR. BELINFANTE: -- did you -- I'm sorry, we're  
8 talking over each other, and I was trying to make sure  
9 that last answer --

10 MS. HAMILTON: Sorry, go ahead, Josh.

11 MR. BELINFANTE: -- got on.

12 Yeah, but if the court reporter got that  
13 answer, I'm good.

14 THE REPORTER: He said yes.

15 MR. BELINFANTE: Okay. Great.

16 Q BY MS. HAMILTON: All right. Mr. Winter, what  
17 was the nature of those concerns pertaining to  
18 physical -- the use of physical restraints in GNETS  
19 programs?

20 A Before I came on the board, evidently there was  
21 a bad case that occurred in Gainesville, and that was  
22 used as a teaching point to board members in explanations  
23 of things. So that was the one that was brought to my  
24 attention that occurred before I was on the board.

25 Q And to the extent that it was used as a



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1 teaching point, do you know if there was any specific  
2 action that the State Board took in response to that  
3 incident?

4 MR. BELINFANTE: Object to form.

5 THE WITNESS: No. I think the problem was that  
6 the rules that were in place were not followed.

7 Q BY MS. HAMILTON: And when rules that are in  
8 place for issues such as physical restraints aren't  
9 followed, is there any recourse that the State Board of  
10 Education has in responding to those issues?

11 MR. BELINFANTE: Object to form.

12 THE WITNESS: I would say the answer is yes,  
13 and we would be having some significant reach to our  
14 level that hadn't been resolved by staff levels beneath  
15 it, we would be calling the local superintendent and his  
16 school board before the State Board.

17 Q BY MS. HAMILTON: Who on the State Board would  
18 make those phone calls?

19 A The phone calls to call them to have them come,  
20 that would have been DOE staff, probably. It could have  
21 been any number of people, but DOE staff would have  
22 called them to have them come. We would have prayer  
23 meetings like that probably about one a year with a  
24 different LEA on all sorts of different items, but  
25 sometimes you just have to sit and talk face-to-face.

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1 Q And was the withdrawal of funding ever a  
2 consequence stemming from -- stemming from a program  
3 improperly using physical restraints?

4 A No, ma'am, not that I am aware of. I am not  
5 aware of any case on physical restraints other than that  
6 history one that was ever brought to me.

7 Q Similarly, have there ever been any concerns  
8 brought to your attention when you served on the State  
9 Board regarding the use of seclusion in GNETS programs?

10 MR. BELINFANTE: Object to form.

11 THE WITNESS: Not that I recall.

12 Q BY MS. HAMILTON: During your time as a State  
13 Board member, were there any policy changes that you  
14 believed were necessary regarding the use of restraints  
15 in the GNETS program?

16 A Specifically, no. If anything were, I would  
17 have thought that that would have been included in the  
18 work done by Nakeba and Clara as they were coming to us  
19 with the new rules.

20 Q During your time as a State Board member, were  
21 there any additional resources that you felt the GNETS  
22 programs would benefit from having?

23 MR. BELINFANTE: Object to form.

24 THE WITNESS: In total, the answer -- my answer  
25 is no. The -- you know, could there have been scattered

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1 needs because something wasn't handled correctly? The  
2 answer, of course, would always be yes when you are  
3 dealing in numbers. But we had a few GNETS programs that  
4 had to have some counseling, and they got better, be it  
5 about how they were dealing with their physical structure  
6 or whatever, or we had to go retrain them when Claire  
7 lived in Albany for a while.

8 But I -- I believe that good results were being  
9 obtained. You are dealing with a very special group of  
10 young people and some of whom I got to talk to at various  
11 locations, many of whom were relieved to be in the GNETS  
12 area as opposed to feeling pressures in their original  
13 schools.

14 You know, is GNETS perfect? No, I'm sure it's  
15 not. Is any educational program perfect? I am sure they  
16 are not either.

17 MS. HAMILTON: Thank you, Mr. Winter. I'd like  
18 to take a five-minute break, and we can pick back up at  
19 4:35.

20 THE VIDEOGRAPHER: We are off the record at  
21 4:31 p.m.)

22 (The deposition was at recess from 4:31 p.m. to  
23 4:38 p.m.)

24 THE VIDEOGRAPHER: We are back on the record at  
25 4:38 p.m.

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1 MS. HAMILTON: All right. Thank you.

2 Mr. Winter, I do not have any additional  
3 questions for you at this time, but I would like to pause  
4 in the event that the State has any questions, and if so,  
5 I may circle back afterwards.

6  
7 EXAMINATION

8 BY MR. BELINFANTE:

9 Q Mr. Winter, I just have a couple of questions,  
10 actually, just to clear up some things. You testified  
11 today that the meetings of the State Board of Education  
12 and the meetings of the budget committee were open to the  
13 public. Do you recall that?

14 A Yes, ma'am. I mean, yes, sir.

15 Q That's all right.

16 And were there times that either the budget  
17 committee or the State Board of Education would go into  
18 executive session?

19 A The State Board, yes.

20 Q Okay.

21 A They had appeals personnel, legal matters and  
22 so on were all done that way.

23 Q Okay. And -- and once the State Board is in  
24 executive session, that is away from the public; is that  
25 correct?

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1 A That is correct.

2 Q And is it your understanding that that is as  
3 set forth in the Georgia Open Meetings Act?

4 A Yes.

5 MR. BELINFANTE: Okay. That's the only  
6 questions I had.

7 MS. HAMILTON: Thank you.

8 And Mr. Winter, I don't have any further  
9 questions. Thank you very much for your time today.

10 THE WITNESS: Thank you. You all have a good  
11 day.

12 THE VIDEOGRAPHER: That concludes the  
13 deposition of Larry Winter. We are off the record at  
14 4:39 p.m.

15 THE REPORTER: Mr. Belinfante, you did want a  
16 copy of the transcript?

17 MR. BELINFANTE: Yes, we will do what we  
18 normally do. I think we get certainly an electronic,  
19 both condensed and full.

20 (The deposition concluded at 4:39 p.m.)  
21  
22  
23  
24  
25

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CERTIFICATE OF REPORTER

STATE OF GEORGIA       )  
                                  )  
COUNTY OF DEKALB       )

I, Marcella Daughtry, a Certified Reporter in the State of Georgia and State of California, do hereby certify that the foregoing deposition was taken before me in the County of DeKalb, State of Georgia; that an oath or affirmation was duly administered to the witness, LARRY E. WINTER; that the questions propounded to the witness and the answers of the witness thereto were taken down by me in shorthand and thereafter reduced to typewriting; that the transcript is a full, true and accurate record of the proceeding, all done to the best of my skill and ability;

The witness herein, LARRY E. WINTER, has requested signature.

I FURTHER CERTIFY that I am in no way related to any of the parties nor am I in any way interested in the outcome hereof.

IN WITNESS WHEREOF, I have set my hand in my office in the County of DeKalb, State of Georgia, this 13th day of December, 2022.

*Marcella Daughtry*

Marcella Daughtry, RPR, RMR  
GA License No. 6595-1471-3597-5424  
California CSR No. 14315

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3 DECLARATION UNDER PENALTY OF PERJURY

5 I declare under penalty of perjury that I  
6 have read the entire transcript of my deposition taken in  
7 the above-captioned matter or the same has been read to  
8 me, and the same is true and accurate, save and except  
9 for changes and/or corrections, if any, as indicated by  
10 me on the DEPOSITION ERRATA SHEET hereof, with the  
11 understanding that I offer these changes as if still  
12 under oath.

14 Signed on the \_\_\_\_\_ day  
15 of \_\_\_\_\_ 20\_\_.

19 \_\_\_\_\_  
20 LARRY E. WINTER

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LARRY E. WINTER

Signature:\_\_\_\_\_



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LARRY E. WINTER

Signature:\_\_\_\_\_